

EXHIBIT 120

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE EASTERN DISTRICT OF OHIO
3 EASTERN DIVISION

4 - - -

5 IN RE: NATIONAL : MDL NO. 2804
6 PRESCRIPTION OPIATE :
7 LITIGATION :

7 : CASE NO.
8 THIS DOCUMENT : 1:17-MD-2804
9 RELATES TO ALL CASES:

 : Hon. Dan A.
 : Polster

10 - - -

 Tuesday, December 4, 2018

11 - - -

12 HIGHLY CONFIDENTIAL - SUBJECT TO FURTHER
13 CONFIDENTIALITY REVIEW

14 - - -

15 Videotaped deposition of
16 LISA WALKER, taken pursuant to notice,
17 was held at Golkow Litigation Services,
18 One Liberty Place, 1650 Market Street,
19 Suite 5150, Philadelphia, Pennsylvania
20 19103, beginning at 9:12 a.m., on the
21 above date, before Amanda Dee
22 Maslynsky-Miller, a Certified Realtime
23 Reporter.

24 - - -

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1 But did that change over the
2 years?

3 MR. LIMBACHER: Object to
4 form.

5 THE WITNESS: It didn't, no.
6 I had no control over that when I
7 worked at DuPont.

8 BY MR. BUCHANAN:

9 Q. Oh, I see, okay.
10 So what was your role and
11 function at DuPont between '89/'90 and
12 '98?

13 A. Like I said, I worked in the
14 mailroom. And then I was a clerical -- I
15 was a clerk within the customer service
16 department. And then I became a customer
17 service rep.

18 Q. Okay. And as customer
19 service rep, what did you do for DuPont?

20 A. Order entry, putting in
21 orders.

22 Q. Customers would send in
23 orders, you would receive them
24 physically, probably, by fax or mail?

1 A. At that time, yes.

2 Q. And then you would
3 physically key them into a computer
4 system and track the orders?

5 A. Yes.

6 Q. And was that really the
7 extent of your exposure to controlled
8 substance orders at that point in time?

9 A. Yes, that's correct.

10 Q. You weren't responsible for
11 filling the orders?

12 A. No, I was not.

13 Q. You weren't responsible for
14 selling to customers?

15 A. No, I was not.

16 Q. As a customer service rep,
17 you were the liaison between DuPont Merck
18 and the end customer, in terms of getting
19 their order physically input into the
20 system so it could be fulfilled?

21 A. The end customer would be
22 the wholesaler.

23 Q. Got it.

24 So DuPont Merck had

1 wholesale customers?

2 A. Yes.

3 Q. Distributors as customers?

4 A. I just -- I don't recall.

5 It was 20 years ago. Mostly wholesalers.

6 Q. Okay. Let's step back in
7 time prior to your time at DuPont Merck.

8 Did you have any role and
9 involvement in the pharmaceutical
10 industry prior to 1989 or '90?

11 A. No.

12 Q. And what was your prior
13 employment?

14 A. Prior to DuPont?

15 Q. Yes.

16 A. I was in college.

17 Q. All right. Graduated when?

18 A. I graduated college in 1995.

19 Q. Okay. Started college when?

20 A. Right after high school,
21 '87.

22 Q. Got you.

23 So you were working at
24 DuPont while you were finishing college?

1 A. That's correct.

2 Q. Okay. And where did you go
3 to school?

4 A. Wilmington College.

5 Q. And that's Wilmington,
6 Delaware?

7 A. Yes.

8 Q. And you graduated with a
9 degree in some specialty?

10 A. Business management,
11 Bachelor's.

12 Q. Got you.
13 Did you go on to any
14 postgraduate further education?

15 A. No.

16 Q. Any certificate programs
17 anywhere, ma'am?

18 A. No.

19 Q. Any focus on medicine or
20 healthcare as part of your education?

21 A. No.

22 Q. So your education, we can
23 fairly characterize as was in business?

24 A. Correct, yes.

1 Q. So since college, since
2 starting college, you've really had two
3 employers, DuPont Merck and Endo?

4 A. That is correct.

5 Q. You're still in the area
6 here? Home?

7 A. Home is in Pennsylvania,
8 yes.

9 Q. And work every day, you're
10 driving out to Malvern?

11 A. Yes.

12 Q. And that's the home base for
13 Endo today?

14 A. Yes.

15 Q. Okay. And your paycheck
16 today, what's the logo on the top, or
17 what's the name of the company that sends
18 your paycheck to you?

19 A. Endo Pharmaceuticals.

20 Q. Got you.

21 And is Endo Pharmaceuticals
22 a subsidiary, as you understand it, to
23 Endo the parent?

24 MR. LIMBACHER: Object to

1 form.

2 BY MR. BUCHANAN:

3 Q. If you know.

4 A. I don't know. I can't
5 confirm.

6 Q. Okay. Endo Pharmaceuticals
7 has been in the business of selling
8 branded -- among other things, but in the
9 business of selling branded opioid
10 products for the time that you've been at
11 the company, fair?

12 MR. LIMBACHER: Object to
13 form.

14 THE WITNESS: Yes.

15 BY MR. BUCHANAN:

16 Q. Endo Pharmaceuticals is a
17 manufacturer of opioids?

18 MR. LIMBACHER: Object to
19 form. Foundation.

20 THE WITNESS: It depends on
21 what your definition of
22 "manufacturer" is.

23 Yes, we do own the products,
24 but we don't physically

1 manufacture the products.

2 BY MR. BUCHANAN:

3 Q. I understand.

4 You contract out to other
5 people to make them --

6 A. Correct.

7 Q. -- for you, but ultimately
8 on the label and everything it will say
9 you're the manufacturer, right?

10 A. Yes.

11 Q. And that's been true since
12 you've been there?

13 MR. LIMBACHER: Object to
14 form.

15 THE WITNESS: Yes.

16 BY MR. BUCHANAN:

17 Q. Could you run through some
18 of the names of the products that are --
19 branded opioids that you've had a role
20 and involvement with while you've been at
21 Endo?

22 A. Percocet, Opana, Zydone,
23 Belbuca.

24 Q. That's a newer one?

1 A. Yes.

2 Q. Percocet is a combination
3 narcotic together with aspirin -- or
4 acetaminophen, excuse me?

5 MR. LIMBACHER: Object to
6 form.

7 BY MR. BUCHANAN:

8 Q. Withdrawn.

9 Percocet is a combination of
10 acetaminophen and a narcotic?

11 MR. LIMBACHER: If you know.

12 THE WITNESS: I don't know
13 the -- I can't confirm the actual
14 ingredients of the product.

15 BY MR. BUCHANAN:

16 Q. Do you know whether
17 Percocet, ma'am, has an active narcotic
18 in it?

19 A. I know that Percocet is an
20 opioid, yes. But the active ingredient,
21 I can't confirm that.

22 Q. You don't know whether it's
23 oxycodone, hydrocodone, something else,
24 oxymorphone?

1 MR. LIMBACHER: Object to
2 form.

3 THE WITNESS: I can't
4 confirm that, no.

5 BY MR. BUCHANAN:

6 Q. Is it fair to say, ma'am,
7 over the time that you've been at Endo,
8 Endo has manufactured and shipped
9 billions of Percocet pills?

10 MR. LIMBACHER: Object to
11 form.

12 THE WITNESS: I can't
13 confirm the dollar value that you
14 just said.

15 BY MR. BUCHANAN:

16 Q. I wasn't talking dollar
17 value.

18 Just billions of pills?

19 MR. LIMBACHER: Same
20 objection.

21 THE WITNESS: I can't
22 confirm the number of pills.

23 BY MR. BUCHANAN:

24 Q. Let's talk about the

1 positions, I guess, you had -- well, let
2 me finish this thread first. Withdrawn.

3 Is it fair to say, ma'am,
4 over the time that you've been at Endo,
5 Endo has shipped hundreds of millions of
6 Opana pills?

7 MR. LIMBACHER: Object to
8 form.

9 THE WITNESS: Again, I can't
10 confirm the actual number of
11 pills.

12 BY MR. BUCHANAN:

13 Q. I'm not asking for the
14 actual number.

15 Do you have a sense, though,
16 that over the time that you were there,
17 Endo has shipped hundreds of millions of
18 Opana ER pills?

19 MR. LIMBACHER: Same
20 objection.

21 THE WITNESS: Again, I'm
22 sorry, I can't confirm that
23 number.

24 BY MR. BUCHANAN:

1 Q. Endo was making a lot of
2 opioids, fair?

3 MR. LIMBACHER: Object to
4 form.

5 THE WITNESS: We make
6 opioids, yes.

7 BY MR. BUCHANAN:

8 Q. You made a lot?

9 MR. LIMBACHER: Object to
10 form.

11 THE WITNESS: I'm not -- I
12 can't confirm that. I don't know
13 what your definition of "a lot"
14 is. I'm not going to -- I can't
15 answer that.

16 BY MR. BUCHANAN:

17 Q. What's your definition of "a
18 lot," ma'am?

19 MR. LIMBACHER: Same
20 objection. Object to form.

21 BY MR. BUCHANAN:

22 Q. Would 100 million be a lot?

23 A. I can't speak to the number
24 of pills. And I'm not going to speak to

1 the number -- the dollar value.

2 I can't. That's not --
3 that's not within my role. I don't know.

4 Q. Well, you saw orders cross
5 your desk, right?

6 A. Yes.

7 Q. And one of your jobs was to
8 evaluate orders if they were excessive,
9 right?

10 A. Yes.

11 Q. So what's a lot?

12 MR. LIMBACHER: Object to
13 form.

14 THE WITNESS: That's not a
15 fair question. I don't know
16 what -- it depends what you're
17 talking about, a lot. Each
18 customer is different. Each
19 wholesaler is different.

20 BY MR. BUCHANAN:

21 Q. What's excessive?

22 MR. LIMBACHER: Object to
23 form.

24 THE WITNESS: We had, you

1 know, programs in place to monitor
2 excessive orders.

3 BY MR. BUCHANAN:

4 Q. I'm just asking you what
5 excessive was.

6 MR. LIMBACHER: Object to
7 form. You're asking for a
8 definition from a dictionary?

9 MR. BUCHANAN: Counsel, you
10 get to object to form.

11 MR. LIMBACHER: No. I'm
12 asking you to rephrase your
13 question, please.

14 MR. BUCHANAN: No, that's
15 not the way it works.

16 MR. LIMBACHER: I don't
17 understand.

18 MR. BUCHANAN: It's my right
19 to rephrase my question. Your
20 role is to tell me whether you
21 have an objection to form, for my
22 benefit.

23 MR. LIMBACHER: And I'm
24 objecting -- I'm objecting to your

1 question.

2 MR. BUCHANAN: I'll ask you
3 if I need clarification.

4 MR. LIMBACHER: I'm
5 objecting to your question.

6 I don't think we're here to
7 ask her for definitions of
8 individual words.

9 MR. BUCHANAN: Move to
10 strike, counsel.

11 MR. LIMBACHER: You have to
12 put it into some kind of context.

13 MR. BUCHANAN: Just mark the
14 transcript, please.

15 BY MR. BUCHANAN:

16 Q. Ma'am, I'd just like to
17 know, during your time at Endo, am I
18 correct that you had a role and
19 involvement for the monitoring of
20 suspicious orders?

21 A. Yes.

22 Q. Monitoring for suspicious
23 orders, among other things, includes
24 monitoring for excessive orders, right?

1 A. Yes.

2 Q. Excessive by quantity,
3 right?

4 A. We had an excessive -- we
5 had an excessive program and SOM programs
6 in place, yes.

7 Q. And that was among your role
8 and functions over the time at Endo,
9 fair?

10 A. Correct.

11 Q. Okay. So I'd like to know,
12 what's an excessive order?

13 MR. LIMBACHER: Object to
14 form.

15 THE WITNESS: We have
16 programs in place that monitor our
17 excessive orders and SOM programs
18 in place. And those orders come
19 in, and they're reviewed and
20 they're released as necessary.

21 I'm not providing a
22 definition of an excessive order.

23 BY MR. BUCHANAN:

24 Q. Well, you looked at the

1 orders when they came across your desk?

2 A. Yes.

3 Q. Or came across your computer
4 screen?

5 A. Me or somebody on my team,
6 yes.

7 Q. And when you did that, one
8 of the things you were looking for was
9 whether they were excessive, right?

10 A. We had a program in place
11 that would monitor our excessive orders.

12 Q. Is that a yes answer to my
13 question, ma'am?

14 A. We had --

15 MR. LIMBACHER: Object to
16 form.

17 BY MR. BUCHANAN:

18 Q. Is that a yes answer?

19 MR. LIMBACHER: Object to
20 form.

21 THE WITNESS: We had a
22 program in place that monitored
23 our excessive orders.

24 BY MR. BUCHANAN:

1 Q. I'm asking whether you
2 examined the orders?

3 A. Yes.

4 Q. Thank you.

5 A. Based on our program.

6 Q. And so over the course,
7 ma'am, of looking at those orders, you
8 saw orders for thousands and thousands
9 and tens of thousands of purchases for
10 bottles of Percocet, true?

11 MR. LIMBACHER: Object to
12 form.

13 THE WITNESS: I don't recall
14 actual numbers of bottles that
15 customers may or may not have
16 ordered.

17 BY MR. BUCHANAN:

18 Q. You don't recall even having
19 the sense, ma'am, that in the orders that
20 you reviewed, tens of thousands of
21 bottles of Percocet, 100 and 500 count,
22 were purchased containing narcotics that
23 you manufactured, "you" meaning Endo?

24 MR. LIMBACHER: Object to

1 form.

2 THE WITNESS: I can tell you
3 that our customers placed orders,
4 they went through our excessive
5 program and our SOM program, and
6 they were reviewed and released
7 based on -- based on our program.

8 That's what I can tell you.

9 BY MR. BUCHANAN:

10 Q. As the person -- were you, I
11 mean, the person with that responsibility
12 within Endo with regard to branded
13 products?

14 MR. LIMBACHER: Object to
15 form. Time period.

16 THE WITNESS: Repeat your
17 question.

18 BY MR. BUCHANAN:

19 Q. Were you that person within
20 Endo who had responsibility for
21 ordering -- reviewing orders to determine
22 if they were suspicious?

23 MR. LIMBACHER: Object to
24 form.

1 THE WITNESS: What time
2 frame are you asking about?

3 BY MR. BUCHANAN:

4 Q. That was a good tip from
5 your counsel, I guess.

6 MR. BUCHANAN: Counsel, I'm
7 going to ask you, if you have a
8 form objection, please state a
9 form objection. I'll decide
10 whether I need to re-ask it.

11 MR. LIMBACHER: And I will
12 make my objections as I think is
13 appropriate.

14 MR. BUCHANAN: That's
15 coaching.

16 MR. LIMBACHER: And I don't
17 appreciate the speeches, okay.

18 MR. BUCHANAN: Then you
19 should ask -- you should make
20 appropriate objections.

21 MR. LIMBACHER: I think I'm
22 doing that.

23 MR. BUCHANAN: This
24 deposition is supposed to proceed

1 as if it was in court, unless this
2 witness is going to show up in
3 court.

4 BY MR. BUCHANAN:

5 Q. Ma'am, are you planning to
6 come to court?

7 MR. LIMBACHER: Object to
8 form.

9 MR. BUCHANAN: Withdrawn.

10 BY MR. BUCHANAN:

11 Q. When this case goes to trial
12 in September of this year, September of
13 2019, if we request your presence at
14 court, are you willing to come to
15 Cleveland and make your presence there
16 live?

17 MR. LIMBACHER: Object to
18 form.

19 THE WITNESS: If that's the
20 recommendation of my counsel, then
21 I will do that.

22 BY MR. BUCHANAN:

23 Q. Okay. It would not be too
24 inconvenient for you to attend, correct?

1 MR. LIMBACHER: Object to
2 form.

3 THE WITNESS: If that's the
4 recommendation of my counsel.

5 BY MR. BUCHANAN:

6 Q. Thank you.

7 You stated that it depends
8 on what time as to what your role and
9 function would have been with regard to
10 suspicious orders.

11 Did I understand your
12 request for clarification correctly?

13 A. Yes.

14 Q. So when you started with
15 Endo, what was your role and function in
16 1998?

17 A. I was a contract analyst.

18 Q. At what point in time did
19 you have a role and function that gave
20 you oversight of suspicious orders?

21 MR. LIMBACHER: Object to
22 form.

23 THE WITNESS: I became the
24 director of the group in 2015.

1 BY MR. BUCHANAN:

2 Q. My question was, at what
3 point in time did you have a role and
4 function that gave you oversight of
5 suspicious orders?

6 MR. LIMBACHER: Object to
7 form.

8 THE WITNESS: I've always
9 been part of the customer service
10 and distribution group my entire
11 time at Endo. The ultimate
12 responsibility became when I
13 became a director in 2015.

14 BY MR. BUCHANAN:

15 Q. Okay. When did you have any
16 oversight and responsibility for
17 monitoring for suspicious orders of your
18 customers?

19 A. I don't recall.

20 MR. LIMBACHER: Object to
21 form.

22 THE WITNESS: Sorry.

23 I don't recall. I've been
24 with the company for 20 years.

1 Some time during that time frame.

2 I don't recall the exact time.

3 BY MR. BUCHANAN:

4 Q. Can you identify somebody --
5 is there a time frame when you recall
6 that you did have that responsibility --

7 MR. LIMBACHER: Same
8 objection.

9 BY MR. BUCHANAN:

10 Q. -- prior to 2015?

11 A. No, I don't recall the exact
12 date.

13 Q. Well, if you weren't looking
14 at suspicious orders, ma'am, who was, or
15 orders to assess whether they were
16 suspicious, who was doing that?

17 A. It could have been me. It
18 could have been my boss at the time. It
19 could have been somebody on the team.
20 There's a variety of people.

21 Q. Okay. What was the name of
22 your group?

23 Withdrawn.

24 What was the name of the

1 group that had responsibility for
2 examining orders to see whether or not
3 they were suspicious?

4 MR. LIMBACHER: Object to
5 form.

6 THE WITNESS: Customer
7 service.

8 BY MR. BUCHANAN:

9 Q. Customer service?

10 A. It's the customer service
11 team, yes.

12 Q. So the role and
13 responsibility -- withdrawn.

14 The group responsible for
15 evaluating orders to determine if they
16 were suspicious was in the customer
17 service function?

18 A. Within Endo, yes.

19 Q. Did Endo have a regulatory
20 group?

21 A. So let me -- maybe I should
22 provide some clarification.

23 So Endo has a third-party
24 logistics company, UPS Supply Chain

1 Solutions, that does all of our
2 warehousing and distribution for us.
3 They also have an SOM program.

4 So there's a group of --
5 within customer service that manages
6 these orders. And there's also the
7 regulatory group at UPS that does another
8 review of the orders.

9 So I wanted to make some
10 clarification there.

11 Q. Within the labeling of the
12 products that you sold, the narcotics,
13 Endo is listed as the manufacturer?

14 MR. LIMBACHER: Object to
15 form.

16 THE WITNESS: Yes.

17 BY MR. BUCHANAN:

18 Q. Okay. Is UPS listed as the
19 manufacturer?

20 A. No.

21 Q. So getting back to my
22 question, the customer service function
23 is not within the regulatory group at
24 Endo, fair?

1 A. Yes, that's correct.

2 Q. The customer service
3 function is not in the, quote, compliance
4 group within Endo --

5 A. That's correct.

6 Q. -- fair?

7 The customer service
8 function is not in a DEA compliance
9 group, fair?

10 A. At Endo, yes.

11 But, if I can also add,
12 again --

13 Q. That was my only question,
14 ma'am.

15 MR. LIMBACHER: You can
16 finish your answer.

17 Go ahead.

18 THE WITNESS: Thank you.

19 MR. BUCHANAN: Does it go to
20 my question?

21 MR. LIMBACHER: You can
22 finish your answer.

23 She's entitled to finish her
24 answer. You interrupted her,

1 counsel.

2 MR. BUCHANAN: I don't think
3 so. I think, counsel, you'll have
4 an opportunity -- you'll have an
5 opportunity to direct examination.

6 MR. LIMBACHER: I think it
7 was pretty clear you interrupted
8 her.

9 So why don't you go ahead
10 and finish your answer, if you
11 remember at this point.

12 MR. BUCHANAN: I'll read the
13 question back to you, ma'am.

14 MR. LIMBACHER: Why don't
15 you read the partial answer that
16 she gave and maybe that will
17 refresh her as to where she was
18 trying to go when you interrupted
19 her.

20 BY MR. BUCHANAN:

21 Q. The customer service
22 function is not in a DEA compliance
23 group, fair?

24 A. Yes.

1 Q. Thank you.

2 A. But what I wanted to add to
3 that, so as I stated, our products are
4 shipped under -- let me back up.

5 Endo has a 3PL, third-party
6 logistics company, which is UPS Supply
7 Chain Solutions. Our products are
8 shipped under UPS's DEA license. UPS
9 also has their own SOM program, which is
10 part of the regulatory group.

11 So the Endo products are
12 shipped and monitored -- sorry, the Endo
13 products are monitored through Endo's SOM
14 program and UPS's SOM program. So I
15 wanted to make that clear to everybody
16 here.

17 MR. BUCHANAN: I'll move to
18 strike as nonresponsive.

19 BY MR. BUCHANAN:

20 Q. Do you remember my question?

21 A. Yes, I remember your
22 question.

23 Q. And what was it?

24 A. If the customer service team

1 was part of regulatory.

2 Q. And is it?

3 MR. LIMBACHER: Object to
4 form. Asked and answered.

5 THE WITNESS: No, it's not.

6 BY MR. BUCHANAN:

7 Q. Thank you.

8 I was asking you earlier
9 when you evolved into an oversight
10 responsibility or had some responsibility
11 for suspicious order monitoring.

12 Can you describe for me,
13 ma'am, when you had some responsibility
14 for that --

15 MR. LIMBACHER: Object to
16 form.

17 BY MR. BUCHANAN:

18 Q. -- for the first time?

19 A. Can you clarify that?

20 Q. In what way?

21 A. I don't understand your
22 question exactly.

23 Q. Okay. As I understand it,
24 ma'am, and your company has told us, that

1 you had responsibility for suspicious
2 order monitoring.

3 When did you first have that
4 responsibility?

5 A. So Endo has always had an
6 excessive program in place since '99, and
7 it's evolved over time.

8 Q. Okay.

9 A. I've always been part of the
10 customer service and distribution group
11 my entire -- my entire time at Endo. I
12 became the director in 2015.

13 So the ultimate
14 responsibility was 2015. But I've been
15 part of the team the entire time I've
16 been at Endo.

17 Q. Who had that responsibility
18 in 2010?

19 MR. LIMBACHER: Object to
20 form.

21 THE WITNESS: I was not the
22 director of the group back then,
23 but it was part of my
24 responsibility, along with other

1 team members.

2 BY MR. BUCHANAN:

3 Q. Who was more senior to you
4 with that responsibility, then, in 2010?

5 A. There was a director of the
6 team.

7 Q. And who was that person?

8 A. Her name was Jill Connell.

9 Q. And would Ms. Connell review
10 the orders to determine whether they were
11 suspicious?

12 A. No, no. She would if I
13 needed her to. But no, it was my
14 responsibility, or somebody on my team.

15 Q. So as of 2010, I understand
16 Ms. Connell was senior to you, but you
17 had the responsibility for overseeing
18 whether the orders were suspicious or
19 not?

20 MR. LIMBACHER: Object to
21 form.

22 THE WITNESS: Yes.

23 BY MR. BUCHANAN:

24 Q. Okay. Let's dial the clock

1 back to 2005.

2 Was there somebody more
3 senior to you, as of 2005, who had
4 responsibility to determine if the orders
5 were suspicious or not?

6 A. Jill Connell was still --
7 was still the director at the time.

8 Q. And was her role and
9 function in 2005 similar, in that
10 ultimately you could have asked her but
11 you handled it on a day-to-day basis?

12 MR. LIMBACHER: Object to
13 form.

14 THE WITNESS: Yes.

15 BY MR. BUCHANAN:

16 Q. And that was the process and
17 structure that Endo had created to
18 oversee suspicious order monitoring of
19 its branded controlled substances, true?

20 A. But --

21 MR. LIMBACHER: Object to
22 form.

23 BY MR. BUCHANAN:

24 Q. Is that a yes?

1 A. It is.

2 But I'd like to add.

3 Q. Thank you.

4 A. Again, I want to remind
5 everybody that Endo, we've had a
6 partnership with UPS Supply Chain
7 Solutions since 2000, who also had their
8 own SOM program. So they were also part
9 of the equation of monitoring orders for
10 Endo.

11 Q. I understand.

12 Endo is the manufacturer,
13 correct?

14 MR. LIMBACHER: Object to
15 form, asked and answered.

16 THE WITNESS: Yes. Endo is
17 the manufacturer.

18 But our products, again, are
19 shipped under the UPS DEA license,
20 so they are part of the equation.

21 BY MR. BUCHANAN:

22 Q. And we'll talk about UPS. I
23 understand they had a role and function
24 during various points in time.

1 I want to focus on Endo's
2 and your role and function, fair? Is
3 that okay?

4 A. Yes.

5 Q. Okay. I just want to
6 understand. You had that responsibility
7 on a day-to-day basis -- withdrawn.

8 Focusing on suspicious order
9 monitoring, you had that responsibility
10 through the customer service function
11 within Endo, fair?

12 MR. LIMBACHER: Object to
13 form.

14 THE WITNESS: Yes.

15 BY MR. BUCHANAN:

16 Q. For orders of Endo-branded
17 products, correct?

18 A. What time frame are you
19 speaking of?

20 Q. I'm speaking of from 1998
21 until present.

22 A. Yes.

23 Q. Okay. So at all times that
24 you've been at Endo?

1 A. Yes, I've been part of the
2 same group for the entire time I've been
3 at Endo.

4 Q. And one component of your
5 responsibilities within that group has
6 been to monitor for suspicious orders,
7 fair?

8 MR. LIMBACHER: Object to
9 form. Asked and answered.

10 THE WITNESS: Yes.

11 BY MR. BUCHANAN:

12 Q. Can you tell me at what
13 point in time you identified your first
14 suspicious order?

15 MR. LIMBACHER: Object to
16 form.

17 THE WITNESS: I don't
18 recall.

19 BY MR. BUCHANAN:

20 Q. I guess, can you tell me at
21 what point in time you reported your
22 first suspicious order to the DEA?

23 MR. LIMBACHER: Object to
24 form.

1 THE WITNESS: I don't -- we
2 haven't. I never -- I don't
3 recall.

4 BY MR. BUCHANAN:

5 Q. Has Endo ever reported a
6 suspicious order for one of its branded
7 products to the DEA?

8 MR. LIMBACHER: Object to
9 form.

10 THE WITNESS: No, we have
11 not.

12 If I could remind you again,
13 our products are shipped under
14 UPS's license. So the person
15 reporting a suspicious order would
16 be UPS and not Endo.

17 BY MR. BUCHANAN:

18 Q. Okay. Let's stay with my
19 question first.

20 Has Endo ever reported a
21 suspicious order for one of its branded
22 products to the DEA?

23 A. Not --

24 MR. LIMBACHER: Object to

1 form.

2 THE WITNESS: Not that I
3 recall.

4 BY MR. BUCHANAN:

5 Q. And you've been in that role
6 and function, the "role and function"
7 being monitoring for suspicious orders,
8 since 1998?

9 MR. LIMBACHER: Object to
10 form.

11 THE WITNESS: Yes.

12 BY MR. BUCHANAN:

13 Q. You've seen thousands and
14 thousands and thousands of orders for
15 opioid products since 1998, true?

16 A. We've had orders since 1998,
17 yes.

18 Q. A lot of them?

19 A. It depends on what your
20 definition of "a lot" is.

21 Q. Okay. My definition would
22 be orders for billions and billions of
23 opioid pills.

24 MR. LIMBACHER: Object to

1 form. Asked and answered.

2 THE WITNESS: I can't speak
3 to billions of pills.

4 But I can remind you again
5 that we've had an excessive
6 program in place since -- since
7 2000, since Endo -- you know,
8 since Endo started. And orders
9 have been monitored since the
10 beginning.

11 BY MR. BUCHANAN:

12 Q. So orders have been
13 monitored and, to the best of your
14 knowledge, Endo has never reported a
15 single order as a suspicious order to the
16 DEA; is that correct?

17 MR. LIMBACHER: Object to
18 form.

19 THE WITNESS: As I recall,
20 yes.

21 BY MR. BUCHANAN:

22 Q. You highlighted that UPS
23 also was involved in your supply chain,
24 fair?

1 A. Yes.

2 MR. LIMBACHER: Object to
3 form. Misstates her testimony.

4 MR. BUCHANAN: And, again,
5 it's object to form. Don't
6 characterize whether I've
7 misstated any testimony.

8 MR. LIMBACHER: I'm entitled
9 to make my objections --

10 MR. BUCHANAN: You are not.

11 MR. LIMBACHER: -- counsel.

12 MR. BUCHANAN: You are not.

13 MR. LIMBACHER: I'm not
14 limited to simply saying the three
15 words "object to form."

16 MR. BUCHANAN: I would
17 invite you, in any courtroom, to
18 do that and see if you don't get a
19 reprimand from the court.

20 MR. LIMBACHER: I've been in
21 many courtrooms, counsel --

22 MR. BUCHANAN: This is
23 supposed to proceed --

24 MR. LIMBACHER: -- and I've

1 made objections many, many times
2 in front of a lot judges. So
3 don't lecture me, please.

4 MR. BUCHANAN: This is
5 supposed to proceed as if it's in
6 court. I'll mark the transcript.

7 BY MR. BUCHANAN:

8 Q. With regard to UPS's role in
9 overseeing -- withdrawn.

10 With regard to UPS's role in
11 fulfilling Endo's orders -- would that be
12 a fair characterization of one of their
13 roles, fulfilling Endo's orders?

14 MR. LIMBACHER: Object to
15 form.

16 THE WITNESS: They are a
17 part of the logistics company,
18 yes. They do warehousing and
19 distribution for Endo.

20 BY MR. BUCHANAN:

21 Q. I just want to make sure I'm
22 characterizing it in a way that's
23 reasonable from your perspective.

24 So with regard to their role

1 in fulfilling orders, you identified that
2 they have a suspicious order monitoring
3 program as well, right?

4 A. Yes, they do.

5 Q. And of the orders that --
6 withdrawn.

7 Do I understand the workflow
8 correctly, that Endo is the manufacturer,
9 has relationships with customers of many
10 forms, true?

11 MR. LIMBACHER: Object to
12 form.

13 THE WITNESS: Our customers
14 for the opioid products are our
15 wholesalers.

16 BY MR. BUCHANAN:

17 Q. You have wholesale
18 customers, true?

19 A. Yes.

20 Q. Companies like McKesson and
21 Cardinal and AmerisourceBergen, correct?

22 A. That's correct.

23 Q. You have other distribution
24 partners that you sell to as well, right?

1 MR. LIMBACHER: Object to
2 form.

3 THE WITNESS: We have the
4 big three that you mentioned, plus
5 we have some regional wholesalers.

6 BY MR. BUCHANAN:

7 Q. Do you sell direct to any
8 retail pharmacies?

9 A. No, we do not.

10 Q. Not today? Not ever?

11 A. Today, no. We sold to
12 retail distribution centers many years
13 ago.

14 Q. And just give me a window
15 for when that was happening.

16 MR. LIMBACHER: Object to
17 form.

18 THE WITNESS: Prior to 2005,
19 2006, if I recall correctly.

20 BY MR. BUCHANAN:

21 Q. Okay. So the orders come in
22 to Endo, as I understand the workflow.

23 Endo has a sales team that
24 interacts with the wholesale distributor

1 customers, true?

2 A. There is a sales team, yes.

3 Q. Those sales folks do
4 whatever -- you're not in a sales
5 function, per se?

6 A. No, I'm not.

7 Q. You are in the business
8 side, though, of fulfilling orders, fair?

9 A. Yes.

10 Q. So those orders come in,
11 they either get keyed in or
12 electronically submitted to Endo?

13 MR. LIMBACHER: Object to
14 form.

15 BY MR. BUCHANAN:

16 Q. True?

17 A. Yes.

18 Q. There is some review that is
19 conducted of those orders at Endo --

20 MR. LIMBACHER: Object to
21 form.

22 BY MR. BUCHANAN:

23 Q. -- correct?

24 A. Yes. They go through

1 multiple checks and balances within our
2 system.

3 Q. And then they are
4 transmitted, ultimately, to your
5 third-party logistics company.

6 That would be UPS?

7 A. Yes. We send to them -- we
8 send the orders to them electronically
9 for fulfillment.

10 Q. So you are the first check
11 on an order, "you" being Endo?

12 MR. LIMBACHER: Object to
13 form.

14 THE WITNESS: Endo is, yes.

15 BY MR. BUCHANAN:

16 Q. And you and your team are
17 the people within Endo that are
18 monitoring for suspicious orders --

19 A. We have a --

20 Q. -- within Endo?

21 A. We have a program within our
22 SAP system, yes.

23 Q. And am I correct, then, in
24 understanding your testimony, ma'am, that

1 since the time you've been at Endo,
2 between 1998 and present, no order has
3 been flagged as suspicious by you?

4 MR. LIMBACHER: Object to
5 form.

6 BY MR. BUCHANAN:

7 Q. By your group?

8 MR. LIMBACHER: Misstates
9 her testimony.

10 MR. BUCHANAN: I'll move to
11 strike again, counsel.

12 And mark the transcript,
13 please.

14 BY MR. BUCHANAN:

15 Q. You can answer.

16 A. Am I supposed to answer?

17 Q. He'll do that throughout the
18 day, and it's supposed to be for my
19 benefit and not yours. And I can reframe
20 my question if I need to.

21 So you can answer.

22 A. So when orders -- if I --
23 could you make sure I understand your
24 question? Could you please repeat it?

1 Q. Am I correct in
2 understanding your testimony, ma'am, that
3 since the time you've been at Endo,
4 between 1998 and present, no order has
5 been flagged as suspicious by your group?

6 MR. LIMBACHER: Object to
7 form.

8 THE WITNESS: So all orders
9 are -- that Endo receives go
10 through our SOM program, and there
11 is checks and balances within that
12 program.

13 MR. BUCHANAN: I'm going to
14 move to strike as nonresponsive.

15 BY MR. BUCHANAN:

16 Q. Can you answer my question,
17 ma'am?

18 Have you ever --

19 A. Not that I recall, no.

20 Q. Okay. So over the course of
21 the 20 years that you've been in that
22 role, you have never flagged an order as
23 suspicious within your group at Endo,
24 true?

1 MR. LIMBACHER: Object to
2 form. Misstates her testimony.

3 THE WITNESS: Not that I
4 recall.

5 BY MR. BUCHANAN:

6 Q. Let's talk about UPS.

7 So after the order clears
8 the Endo internal systems, through the
9 magic of electronics, somehow that order
10 is transmitted to UPS and captured by
11 their order processing system.

12 Would that be fair?

13 A. The orders are sent to UPS
14 for fulfillment, yes.

15 Q. And you said UPS has their
16 own checks where they monitor for
17 suspicious orders?

18 A. Yes, they do.

19 Q. And to the best of your
20 knowledge, ma'am, has UPS ever identified
21 any order that you have cleared as a
22 suspicious order?

23 MR. LIMBACHER: Object to
24 form.

1 THE WITNESS: Not that I
2 recall, no.

3 BY MR. BUCHANAN:

4 Q. And has UPS ever reported a
5 suspicious order for any Endo product
6 over the 20 years that you've been
7 working with them or their predecessor?

8 MR. LIMBACHER: Object to
9 form.

10 THE WITNESS: Not that I
11 recall.

12 BY MR. BUCHANAN:

13 Q. So sitting here today, to
14 the best of your knowledge, as a person
15 who's had the role and responsibility
16 within Endo for looking at suspicious
17 orders, you're not aware of any orders
18 the company has received in 20 years that
19 have been reported to the DEA as
20 suspicious orders; would that be fair?

21 MR. LIMBACHER: Object to
22 form.

23 THE WITNESS: Like I stated,
24 we have an excessive program, SOM

1 program, in place, orders go
2 through that program. And they
3 are reviewed and released as
4 necessary.

5 And, no, nothing has been --
6 that I recall, nothing has been
7 reported to the DEA.

8 BY MR. BUCHANAN:

9 Q. So the answer to my question
10 would be, over the 20 years you're not
11 aware of any order that's been
12 identified, by either Endo or UPS for an
13 Endo product, that's been identified as a
14 suspicious order, fair?

15 MR. LIMBACHER: Object to
16 form.

17 THE WITNESS: Not that I
18 recall.

19 BY MR. BUCHANAN:

20 Q. Okay. To clarify
21 organizationally, when we talk about
22 Endo, at a point in time, Endo acquired
23 another company known as Qualitest.

24 Do you recall that?

1 A. Yes.

2 Q. Qualitest had its suite of
3 products; Endo Pharmaceuticals had its
4 suite of products, true?

5 A. That's correct.

6 Q. Qualitest was largely
7 focused on generics, while Endo was
8 focused on the branded, fair?

9 MR. LIMBACHER: Object to
10 form.

11 THE WITNESS: Yes.

12 BY MR. BUCHANAN:

13 Q. Is that your understanding?

14 A. Yes, correct.

15 Q. There was a group over in
16 Qualitest that had a role and function,
17 at a point in time, with regard to
18 suspicious order monitoring of their
19 products, right?

20 A. Yes, they did. I can't
21 speak to it, but they did.

22 Q. Okay. With regard to Endo
23 Pharmaceutical's products, that role and
24 function resided -- currently resides

1 with you as the last stop and previously
2 was one of your functions, right?

3 MR. LIMBACHER: Object to
4 form.

5 THE WITNESS: Was one of
6 my --

7 BY MR. BUCHANAN:

8 Q. Was one of your
9 responsibilities?

10 A. Yes, correct.

11 Q. You testified on a few
12 occasions, ma'am, that during your time
13 over the last 20 years at Endo there was
14 an excessive order program that was in
15 place.

16 Do you recall that?

17 A. Yes, there was.

18 Q. I understand your testimony
19 that you never identified an order over
20 the 20 years within Endo as being
21 suspicious.

22 Do you recall that
23 testimony?

24 MR. LIMBACHER: Object to

1 form. Asked and answered.

2 THE WITNESS: Yes.

3 BY MR. BUCHANAN:

4 Q. Did you ever identify an
5 order as excessive?

6 MR. LIMBACHER: Object to
7 form.

8 THE WITNESS: So as I
9 stated, you know, we have an
10 excessive program within Endo,
11 orders go through that program.
12 And if they kick out for any
13 reason, they are reviewed and
14 released as necessary.

15 BY MR. BUCHANAN:

16 Q. Okay. And when I said
17 "excessive," that is one of the things
18 that is reviewed in that program?

19 A. Yes.

20 Q. Over the course of your
21 years with Endo, ma'am, has the excessive
22 order program identified excessive
23 orders?

24 MR. LIMBACHER: Object to

1 form.

2 THE WITNESS: Yes. They
3 have been flagged as excessive.
4 But they are reviewed, like I
5 stated, and there's reasons that
6 you can release orders that are
7 flagged as excessive.

8 BY MR. BUCHANAN:

9 Q. Okay. And would it be fair,
10 ma'am, that over the years, you have
11 indeed identified orders as excessive in
12 quantity, true?

13 MR. LIMBACHER: Object to
14 form.

15 THE WITNESS: Yes, orders
16 that kicked out as excessive.

17 BY MR. BUCHANAN:

18 Q. Would it be fair, ma'am,
19 that over the years at Endo, you
20 identified orders of unusual frequency?

21 MR. LIMBACHER: Object to
22 form.

23 THE WITNESS: What's your
24 definition of "unusual frequency"?

1 BY MR. BUCHANAN:

2 Q. Do you have one?

3 A. I'm asking you what your
4 definition is.

5 Q. I'll work with yours.
6 Do you have a definition of
7 "unusual"?

8 MR. LIMBACHER: Object to
9 form.

10 THE WITNESS: It depends. I
11 don't know what you're asking. So
12 you need to clarify for me.

13 BY MR. BUCHANAN:

14 Q. Okay. Did you understand
15 that one of your roles and functions, in
16 looking for suspicious orders, was to
17 look for orders of unusual frequency?

18 A. Unusual frequency, it
19 depends. I mean, there's a lot of
20 reasons orders may kick out as excessive.
21 It could be a holiday buying period. It
22 could be a supply issue. It could be a
23 back order. It could be customers are
24 consolidating.

1 There's many reasons that
2 are valid that orders would kick out as
3 excessive.

4 Q. My question was simple. And
5 it was really, just, did you understand
6 that one of your roles and functions, in
7 looking at suspicious orders, was to look
8 for orders of unusual frequency?

9 Did you understand that was
10 one of your roles and functions, ma'am?

11 MR. LIMBACHER: Object to
12 form.

13 THE WITNESS: What I can
14 tell you is we had an excessive
15 program. And orders went through
16 that excessive program and orders
17 potentially kicked out as
18 excessive. And then they are
19 reviewed.

20 That's how I'm going to
21 answer that question.

22 BY MR. BUCHANAN:

23 Q. Okay. Was one of your roles
24 and functions in looking at orders that

1 came through your excessive program to
2 look for orders of unusual frequency?

3 MR. LIMBACHER: Object to
4 form.

5 THE WITNESS: I'm not -- I
6 think I answered your question.

7 BY MR. BUCHANAN:

8 Q. Is that one of the things
9 you looked at, ma'am?

10 MR. LIMBACHER: Object to
11 form.

12 THE WITNESS: We had an
13 excessive program in place. The
14 orders went through that excessive
15 program. And they kicked out if
16 anything was beyond what the
17 program was in place.

18 BY MR. BUCHANAN:

19 Q. Okay.

20 A. And to review it. And I
21 gave you specific answers as to -- or
22 specific reasons as to why orders may
23 have kicked out.

24 Q. Okay. Is one of the reasons

1 unusual frequency?

2 MR. LIMBACHER: Object to
3 form. Vague.

4 THE WITNESS: It's -- you
5 have to -- we can go round and
6 round about this. But I don't
7 understand what you're asking, or
8 it's very vague what you're
9 asking.

10 BY MR. BUCHANAN:

11 Q. Do you understand, ma'am,
12 that as a manufacturer of narcotics, Endo
13 had an obligation to maintain effective
14 controls to prevent diversion?

15 Did you have an
16 understanding of that at any point in
17 time?

18 MR. LIMBACHER: Object to
19 form.

20 THE WITNESS: Yes. And as I
21 explained, we had the appropriate
22 checks and balances in place
23 within our system.

24 Can we take a break soon,

1 please? Can we take a break soon?

2 MR. LIMBACHER: Sure.

3 Counsel, is that all right? Is
4 this an appropriate place to take
5 a break?

6 MR. BUCHANAN: I said the
7 witness can take one when she
8 wanted to, so I'll respect that.

9 MR. LIMBACHER: Thank you.

10 VIDEO TECHNICIAN: Off the
11 record. The time is 9:54.

12 - - -

13 (Whereupon, a brief recess
14 was taken.)

15 - - -

16 VIDEO TECHNICIAN: We're
17 going back on the record.
18 Beginning of Media File Number 2.
19 The time is 10:10.

20 BY MR. BUCHANAN:

21 Q. Ma'am, did there come a time
22 in 2017 when you were approached by those
23 within Endo for information to respond to
24 a congressional inquiry concerning Endo's

1 practices with regard to suspicious order
2 monitoring?

3 A. Are you speaking of the
4 McCaskill?

5 Q. Yes.

6 A. Yes.

7 Q. You're familiar with that
8 inquiry?

9 A. Yes, I am.

10 Q. And you provided information
11 in connection with it, true?

12 A. Yes.

13 Q. You've seen the response
14 that was sent to the Senate in connection
15 with that inquiry?

16 A. Yes.

17 MR. BUCHANAN: Can we get
18 669, please?

19 MR. SIEGEL: Endo Walker
20 Number 1.

21 - - -

22 (Whereupon, EndoWalker

23 Exhibit-1,

24 PAR_OPIOID_MDL_0001596408-442, was

1 marked for identification.)

2 - - -

3 BY MR. BUCHANAN:

4 Q. You can do this either way,
5 whatever is most convenient for you,
6 ma'am. We have it on the screen, and
7 there should have been two passed, one
8 that has the actual exhibit sticker on
9 it.

10 MR. BUCHANAN: And one for
11 you, counsel.

12 BY MR. BUCHANAN:

13 Q. I'm passing you what we
14 marked as Exhibit-1 to your deposition,
15 ma'am. It's an attachment to the
16 transmittal to the Senate in connection
17 with this inquiry.

18 Did you -- just take a few
19 moments to turn the pages. I'll zoom in
20 fairly specifically on Endo's response.
21 And "Endo" meaning Endo Pharmaceutical.

22 A. Uh-huh.

23 Q. I just want to make sure
24 this is something that you've seen and

1 are familiar with.

2 A. Yes, I've seen it.

3 Q. You've seen it in the
4 ordinary course, or just seen it getting
5 ready for today?

6 MR. LIMBACHER: Object to
7 form.

8 THE WITNESS: I've seen it
9 when we were putting it together.

10 BY MR. BUCHANAN:

11 Q. Okay. You worked
12 internally, I assume also with outside
13 counsel at that time, in connection with
14 responding to the inquiry?

15 A. Yes.

16 MR. LIMBACHER: Object to
17 form.

18 BY MR. BUCHANAN:

19 Q. Okay. And this is the
20 attachment that accompanied the letter,
21 and there were other attachments, but one
22 of the attachments that accompanied the
23 letter.

24 Do you recognize it?

1 A. I do.

2 Q. Let's go to -- would it be
3 fair, ma'am, that there was an inquiry
4 from Ranking Member McCaskill in the
5 summer of 2017 asking for particular
6 information from Endo in various areas,
7 true?

8 A. Yes, that's correct.

9 Q. Point one that's on the
10 first page, it says, Please describe any
11 suspicious order monitoring program Endo
12 and its subsidiaries have implemented,
13 including efforts to monitor, investigate
14 or report suspicious transactions between
15 its distributors and pharmacies and
16 efforts to analyze information related to
17 chargeback requests.

18 Did I read that correctly?

19 A. Yes.

20 Q. When you turn to the second
21 page -- and the first page is talking
22 about Par's SOM program.

23 Par is the successor by name
24 to Qualitest?

1 A. That's correct.

2 Q. So we can understand, this
3 first piece they're referring to that
4 portion of the business that was either
5 Par or Qualitest in prior years, fair?

6 MR. LIMBACHER: Object to
7 form.

8 THE WITNESS: Yes, that's
9 correct.

10 BY MR. BUCHANAN:

11 Q. When we go forward in time,
12 we see -- I shouldn't say "forward in
13 time" -- to the second page of the
14 document, it talks about Endo's SOM
15 program?

16 A. Yes.

17 Q. How do you pronounce that as
18 somebody in the field? Do you pronounce
19 it SOM or S-O-M? What's your parlance?

20 A. I mostly say SOM.

21 Q. Got you.

22 And did this, at the time,
23 ma'am, fairly summarize the then-current
24 practices of Endo with regard to

1 suspicious order monitoring?

2 MR. LIMBACHER: Object to
3 form.

4 THE WITNESS: Yes, this is
5 our current SOM program.

6 BY MR. BUCHANAN:

7 Q. And this was the program --
8 this is the program today?

9 A. Yes, as of --

10 MR. LIMBACHER: Object to
11 form.

12 THE WITNESS: Yes, as of
13 today. Yes.

14 BY MR. BUCHANAN:

15 Q. And the program in 2017?

16 A. Correct.

17 Q. Endo changed its SOM program
18 at some point in time, 2014, 2015, true?

19 A. In 2014 we made enhancements
20 to it, yes.

21 Q. So this would describe the
22 as-enhanced program?

23 A. That would be correct.

24 Q. Am I correct, ma'am, that

1 what this describes is essentially what
2 you were describing to us earlier today,
3 and that would be an order management
4 monitoring within the company's SAP
5 system?

6 MR. LIMBACHER: Object to
7 form.

8 THE WITNESS: Yes. Our SOM
9 program is within our SAP system.

10 BY MR. BUCHANAN:

11 Q. So what the company does is
12 it gets orders, they get either input or
13 electronically transmitted into the
14 company's SAP system today, correct?

15 A. Yes.

16 Q. Then there's an algorithm in
17 that particular system that evaluates
18 orders across different metrics; would
19 that be fair?

20 A. Yes.

21 Q. Which you told -- this
22 inquiry, responded to the Senate inquiry
23 was, it evaluates individual orders based
24 on quantity, size and frequency, QSF; is

1 that right?

2 A. Yes.

3 Q. And then if the system
4 identifies a flag, then you have to clear
5 it, right?

6 MR. LIMBACHER: Object to
7 form.

8 THE WITNESS: If orders are
9 flagged, they are kicked out on
10 the report and they are reviewed
11 and then cleared.

12 BY MR. BUCHANAN:

13 Q. And what the company did in
14 response to this inquiry is actually
15 produced, I believe, the orders that had
16 been flagged by its system over a
17 multi-year period of time and sent that
18 to the ranking member, fair?

19 A. The orders that were
20 provided for this document were only for
21 certain states. I believe it was only
22 for the state of Missouri.

23 Q. Let's look at that.

24 It would be Exhibit B, is

1 that correct, where that was attached?

2 A. Yes.

3 Q. And looking at Exhibit B,
4 and I may refer, at times, to dot
5 numbers, you'll see them in the top right
6 corner, .14, for example.

7 So we're on .14 of Exhibit-1
8 to your deposition. Confusingly, this
9 page is named Exhibit B. But let's look
10 at that, for example.

11 Are these -- are these
12 orders that were identified by the
13 algorithm as orders requiring further
14 investigation?

15 A. Yes.

16 Q. Okay. And so what we see
17 here when we look at it is the ship date,
18 the customer, customer name, customer
19 address, results of the investigation.

20 Do you see that?

21 A. Uh-huh.

22 Q. And then we see the ultimate
23 outcome on the right, right?

24 MR. BUCHANAN: Is it

1 possible to blow that up so we can
2 see the headings a little better?

3 BY MR. BUCHANAN:

4 Q. Is that more discernible to
5 you, ma'am?

6 A. I can see it. It's fine.

7 Q. Investigative results, that
8 would be the fourth column.

9 And then the fifth column
10 says what?

11 A. The action that was
12 required.

13 Q. Okay. And so what we see
14 are, I don't know, pages on pages of
15 orders that fit the description of the
16 inquiry.

17 Was that just the state of
18 Missouri that you reported out?

19 A. Correct.

20 Q. So pages on pages of orders
21 for customers for the state of Missouri
22 that were flagged by the system as
23 excessive by one of those QSF factors,
24 right?

1 MR. LIMBACHER: Object to
2 form.

3 THE WITNESS: Yes.

4 BY MR. BUCHANAN:

5 Q. And those QSF factors would
6 be, you know, excessive by quantity,
7 excessive by size or excessive by
8 frequency or unusual in that regard,
9 right?

10 MR. LIMBACHER: Object to
11 form.

12 THE WITNESS: By quantity,
13 size or frequency, yes.

14 BY MR. BUCHANAN:

15 Q. And so these all -- all
16 these orders tripped the wire, so to
17 speak, and got kicked out and required
18 some review; is that right?

19 A. Yes.

20 Q. And these are orders that
21 would have been internally investigated
22 by you or your team, fair?

23 A. Yes, correct.

24 Q. Okay. And so I guess the

1 Q. How about after that?

2 A. It was cleared after review.

3 Q. Would it be fair to say, I

4 guess, if we went through this

5 exercise -- we're now at

6 AmerisourceBergen; is that right?

7 A. Yes.

8 Q. And the flag is pended due

9 to order history is the investigative
10 reason.

11 Do you see that?

12 A. Yes.

13 Q. And you see cleared after

14 review, cleared after review, cleared

15 after review, cleared after review for

16 all these lines on this page on .14; is
17 that fair?

18 A. That's correct.

19 Q. And that would have been

20 cleared after review by you or your team?

21 A. Yes.

22 Q. And it wasn't a secret that

23 you and your team were doing this within

24 Endo, right?

1 MR. LIMBACHER: Object to
2 form.

3 THE WITNESS: No.

4 BY MR. BUCHANAN:

5 Q. I mean, you provided
6 reports, on a weekly or monthly basis, of
7 the orders that were investigated and
8 their status, right?

9 MR. LIMBACHER: Object to
10 form.

11 THE WITNESS: Repeat your
12 question.

13 BY MR. BUCHANAN:

14 Q. You provided reports on the
15 orders that were pended and then cleared,
16 correct?

17 A. No. Reports were not
18 provided.

19 Q. And then we see on the next
20 page, if we go to .15, let's just start
21 at the top again. I guess we're still in
22 AmerisourceBergen.

23 And, again, this would just
24 be orders into Missouri, right?

1 A. Yes.

2 Q. And what was the result, now
3 we're up to, I guess, 2014 for
4 AmerisourceBergen, or 6/27 of 2014. It's
5 page .15 on the top right corner.

6 What was the outcome of that
7 particular order that was pended due to
8 order history?

9 A. Cleared after review.

10 Q. How about the next one?

11 A. The same.

12 Q. The next one?

13 A. The same.

14 Q. How about for the rest of
15 this page?

16 A. Cleared after review.

17 Q. A few dozen orders here for
18 AmerisourceBergen.

19 And then moving into Express
20 Scripts, orders were pended or held
21 initially or kicked out of the system for
22 various reasons, and then in each
23 instance, after a physical review by a
24 person, you or somebody on your team,

1 they were cleared?

2 MR. LIMBACHER: Object to
3 form.

4 THE WITNESS: Correct.

5 BY MR. BUCHANAN:

6 Q. And when we say "cleared
7 after review," that means that, then,
8 they are okay from your perspective with
9 regard to UPS, right?

10 MR. LIMBACHER: Object to
11 form.

12 THE WITNESS: Cleared after
13 review means they were cleared
14 from Endo's SAP system, but then
15 they were sent to UPS. And then
16 they also went through UPS's SOM
17 program before they were
18 ultimately shipped out.

19 BY MR. BUCHANAN:

20 Q. And then you would, under
21 your protocol, receive calls, from time
22 to time, from UPS about orders that were
23 kicked out of their system, correct?

24 A. UPS will only reach out to

1 me if they needed additional information
2 about an order.

3 Q. So if they reached out to
4 you in connection with an order that was
5 pending by their system, they might call
6 you in the first instance, correct?

7 MR. LIMBACHER: Object to
8 form.

9 THE WITNESS: Repeat that.

10 BY MR. BUCHANAN:

11 Q. Yes.

12 So UPS, you said, had their
13 own system to review?

14 A. That's correct.

15 Q. They had their own
16 algorithm, correct?

17 A. Yes.

18 Q. And sometimes there's things
19 that they couldn't address internally
20 within their system, correct?

21 MR. LIMBACHER: Object to
22 form.

23 THE WITNESS: If they needed
24 to, they would have reached out

1 for additional information.

2 BY MR. BUCHANAN:

3 Q. And you recall that over the
4 years they did?

5 A. A few times, yes.

6 Q. And in each instance when
7 they called you, you cleared it after
8 review, correct?

9 MR. LIMBACHER: Object to
10 form.

11 THE WITNESS: I would
12 provide information that UPS
13 needed, depending on what they
14 would need.

15 BY MR. BUCHANAN:

16 Q. In no instance did you guide
17 UPS not to ship an order, correct?

18 MR. LIMBACHER: Object to
19 form.

20 THE WITNESS: UPS makes that
21 ultimate decision whether or not
22 to ship an order.

23 I would just provide
24 information to what UPS needed. I

1 would not tell them to ship or not
2 ship.

3 BY MR. BUCHANAN:

4 Q. UPS did not reach out to
5 your customers directly, correct?

6 A. No, they do not. They reach
7 out to the client.

8 Q. Right. So in terms of any
9 assessment with regard to whether an
10 order was suspicious or not, they did not
11 relate or communicate directly with
12 Endo's customers, fair?

13 A. Correct, right. They
14 reached out to the client.

15 Q. Any communication in that
16 regard, with regard to the ultimate
17 purchaser, I should say the ultimate
18 purchaser, in this instance, we're
19 looking on this page, the first line is
20 AmerisourceBergen Corporation, that would
21 have been Endo's customer for that
22 particular order, fair?

23 MR. LIMBACHER: Object to
24 form.

1 THE WITNESS: Yes, yes.

2 BY MR. BUCHANAN:

3 Q. So this was pended due to
4 order history. And then we see, for many
5 of these on this page -- actually, all of
6 them on this page, they were cleared
7 after review, correct?

8 A. Yes.

9 Q. If it went to UPS, then it
10 tripped a wire there, they would, if they
11 needed more information and even
12 information from a customer, they would
13 reach out to Endo in the first instance,
14 not AmerisourceBergen, correct?

15 MR. LIMBACHER: Object to
16 form.

17 THE WITNESS: If they needed
18 information, yes.

19 BY MR. BUCHANAN:

20 Q. Okay. And at no point, to
21 your knowledge, did UPS ever reach out to
22 a customer of Endo's like
23 AmerisourceBergen for information to
24 clear an order or not, fair?

1 A. Not that I recall, no. They
2 reach out to the client.

3 Q. And you were the primary
4 point of contact with UPS?

5 A. Yes.

6 MR. LIMBACHER: Object to
7 form.

8 BY MR. BUCHANAN:

9 Q. So we're on .16. We've been
10 looking at orders into Missouri for Endo
11 products, Endo opioid products over the
12 years.

13 I guess we're still in
14 AmerisourceBergen now, moving into
15 Express Scripts at the bottom.

16 Can you tell us what the
17 result of your inquiry was, again, on the
18 first one here? What is that, August of
19 2014?

20 MR. LIMBACHER: Object to
21 form.

22 THE WITNESS: Cleared after
23 review.

24 BY MR. BUCHANAN:

1 Q. And again on this page,
2 cleared after review, cleared after
3 review, cleared after review, cleared
4 after review, cleared after review,
5 cleared after review, cleared after
6 review, order on order on order, fair?

7 A. Correct.

8 Q. That was the determination
9 with Endo with regard to each of these
10 orders, correct?

11 A. Yes.

12 Q. And you understand that when
13 it was cleared after review, from your
14 perspective, from Endo's perspective, it
15 was okay if UPS fulfilled the order,
16 fair?

17 MR. LIMBACHER: Object to
18 form.

19 THE WITNESS: No. When the
20 orders are cleared from Endo, we
21 know that once they hit UPS's
22 system, they go through UPS's SOM
23 program. And, yes.

24 BY MR. BUCHANAN:

1 Q. From Endo's perspective, the
2 order -- at that point in time, Endo did
3 not flag an order as suspicious at that
4 point in time, fair?

5 A. Depends on what your
6 definition of "suspicious" is.
7 Suspicious as in it was flagged from our
8 SOM program?

9 Q. Well, is that suspicious?

10 A. It --

11 MR. LIMBACHER: Object to
12 form.

13 THE WITNESS: No, not really
14 suspicious, it just -- more
15 information needed to be done with
16 that particular order.

17 BY MR. BUCHANAN:

18 Q. Okay. And with regard to
19 each of the orders we see on 669.16, the
20 top right corner of Exhibit-1 to your
21 deposition, we see all those orders were
22 cleared, correct?

23 A. Uh-huh.

24 Q. After review, right?

1 A. Yes.

2 Q. Let's go to .17.

3 Similar format. Orders on
4 orders for various of Endo's customers,
5 correct?

6 A. Yes.

7 Q. There's various reasons why
8 they were kicked out of the SAP system,
9 correct?

10 A. Correct.

11 Q. And on the right, the
12 results of the investigation are noted,
13 fair?

14 A. Yes.

15 Q. And with regard to the
16 first, what was the result?

17 A. Cleared after review.

18 Q. And the second?

19 A. The same.

20 Q. The third?

21 A. The same.

22 Q. The next?

23 A. The same.

24 Q. For each one on this page,

1 again, ma'am?

2 A. That's correct.

3 Q. Cleared after review?

4 A. Uh-huh.

5 Q. Okay. And so what had to
6 happen is, the system flagged these
7 orders as orders that tripped the
8 algorithm for being excessive as to
9 quantity or frequency -- what was the
10 other QSF?

11 A. Quantity, size and
12 frequency.

13 Q. There you go.

14 They got kicked out of the
15 system or flagged within the system as
16 orders to be further investigated, right?

17 MR. LIMBACHER: Object to
18 form.

19 THE WITNESS: Yes.

20 BY MR. BUCHANAN:

21 Q. When the system -- within
22 the system's perspective, these were
23 orders that needed to be physically
24 reviewed to determine if they were

1 suspicious or not, fair?

2 MR. LIMBACHER: Object to
3 form.

4 THE WITNESS: They needed to
5 be reviewed, yes.

6 BY MR. BUCHANAN:

7 Q. And at least with regard to
8 each of the orders that had been flagged
9 for further review on this page, the
10 determination of the human beings within
11 Endo that reviewed those orders is that
12 they were cleared for review, cleared,
13 correct, following review?

14 A. They were -- correct.

15 Q. Let's go to the next page,
16 .18.

17 Again, we're still just
18 looking at orders in Missouri, right?

19 A. Yes.

20 Q. And looking at
21 AmerisourceBergen, among other ordering
22 entities, customers of Endo, correct?

23 A. Correct.

24 Q. We see the rationale, at

1 least on the first line, pended due to
2 order history. We see underneath that,
3 other investigative results, pended due
4 to order history, pended due to order
5 history, correct?

6 A. Yes.

7 Q. And off to the right, we see
8 the response of your investigations, you
9 and your team's investigations, right?

10 A. That's correct.

11 Q. And in each case, cleared
12 after review, cleared after review,
13 cleared after review, cleared after
14 review, cleared after review?

15 A. They were. Yes, they were.

16 But as a reminder, once we
17 cleared them, they still go through UPS's
18 SOM program before they were a shipment
19 out to customers.

20 Q. And you've told us already
21 that Endo, in circumstances where an
22 order would be flagged by UPS, if UPS
23 required additional information, they
24 would reach out to you, right?

1 A. Correct. Yes, they would.

2 Q. Can you recall a single
3 order that you were contacted on by UPS
4 that you directed them not to ship?

5 MR. LIMBACHER: Object to
6 form.

7 THE WITNESS: Not that I
8 recall.

9 BY MR. BUCHANAN:

10 Q. Can you recall a single
11 order that got kicked out by UPS's system
12 that you identified as suspicious if they
13 asked for additional information from
14 you?

15 MR. LIMBACHER: Object to
16 form.

17 THE WITNESS: They've asked
18 for additional information on
19 occasion, yes.

20 BY MR. BUCHANAN:

21 Q. Can you identify any order
22 that they asked you about that you
23 subsequently confirmed, yes, it's
24 suspicious?

1 MR. LIMBACHER: Object to
2 form.

3 THE WITNESS: Not that I
4 recall.

5 BY MR. BUCHANAN:

6 Q. Can you identify any order
7 that wasn't shipped by virtue of any of
8 the flags that were tripped in the system
9 following your reviews?

10 MR. LIMBACHER: Object to
11 form.

12 THE WITNESS: By Endo and
13 UPS's review?

14 BY MR. BUCHANAN:

15 Q. Yes.

16 A. Not that I recall.

17 Q. Just looked at .17. Let's
18 go to .18.

19 Again, we're looking at
20 additional purchase orders from various
21 Endo customers through the years.

22 Still limited to Missouri,
23 correct?

24 MR. LIMBACHER: Object to

1 form.

2 THE WITNESS: Yes.

3 BY MR. BUCHANAN:

4 Q. Is it your understanding
5 this entire Attachment B relates to
6 Missouri, ma'am?

7 A. Yes, that's correct.

8 Q. Okay. We're on .18.

9 And we see orders from
10 AmerisourceBergen, among others, that
11 were pended due to order history,
12 correct?

13 A. Correct.

14 Q. And off to the right, we see
15 the results, cleared after review,
16 cleared after review, et cetera, et
17 cetera, right?

18 A. Yes, they were.

19 Q. None on this were held,
20 correct?

21 A. No, they were not.

22 Q. None were cancelled and no
23 one was reported?

24 A. That's correct.

1 Q. Okay.

2 .20, same story?

3 A. After the review, yes, they
4 were cleared.

5 Q. .21, same story?

6 MR. LIMBACHER: Object to
7 form.

8 THE WITNESS: Yes.

9 BY MR. BUCHANAN:

10 Q. I guess there was an
11 objection, so let me be more specific.

12 .21 reflects orders that
13 Endo received from Endo's customers,
14 correct?

15 A. Yes, these are Endo's
16 customers' orders.

17 Q. These are customer orders
18 into Missouri only, correct?

19 A. Yes, into Missouri only.

20 Q. There's a listing for a
21 reason for an investigation, correct?

22 Do you see that?

23 A. Yes.

24 Q. And then there's the outcome

1 of that. And it says, Cleared after
2 review, correct?

3 A. That's correct.

4 Q. In each instance on this
5 page, was every order cleared after
6 review?

7 A. They were cleared after
8 review. And, again, they went through
9 UPS's SOM program before they were
10 shipped.

11 Q. Yes. And I'm focused on
12 Endo's review in the first instance,
13 okay?

14 These were all cleared by
15 Endo's review, correct?

16 A. I understand that. But I
17 just wanted to point out that they also
18 go through UPS's SOM program.

19 Q. And sitting here today,
20 ma'am, there are no orders that you're
21 aware of that weren't also cleared after
22 review by UPS, correct?

23 MR. LIMBACHER: Object to
24 form. Asked and answered.

1 THE WITNESS: They went
2 through UPS's SOM program.

3 BY MR. BUCHANAN:

4 Q. Right. And to the best of
5 your knowledge, even those that tripped
6 whatever algorithm they had, based on
7 either their own determination or their
8 interactions with you, they were all
9 cleared for review -- cleared to ship?

10 A. They were, yes.

11 MR. LIMBACHER: Object to
12 form. Asked and answered.

13 BY MR. BUCHANAN:

14 Q. Okay. Let's go to .22.

15 Again, ma'am, now we're into
16 2015. This looks like a sheet of just
17 AmerisourceBergen orders.

18 These were Endo's customers,
19 right?

20 A. Uh-huh.

21 Q. Orders through Endo,
22 correct?

23 A. Yes.

24 Q. Kicked out of the system

1 because they tripped one of the
2 algorithms the company created to monitor
3 for suspicious orders, correct?

4 MR. LIMBACHER: Object to
5 form.

6 THE WITNESS: They were
7 kicked out for further review,
8 yes.

9 BY MR. BUCHANAN:

10 Q. And when a human got
11 involved and looked at the orders, each
12 one of these orders was cleared, correct?

13 A. That's correct.

14 Q. Okay. Let's go to page .23.

15 Just satisfy yourself,
16 ma'am, that we're still looking at Endo's
17 customers here.

18 A. They are.

19 Q. These are Endo orders?

20 A. They are.

21 Q. There is a computer
22 algorithm that was represented, in the
23 front of this Exhibit-1, to Congress that
24 identified orders of unusual QS&F.

1 Do you recall that?

2 A. They went through --

3 MR. LIMBACHER: Object to
4 form.

5 THE WITNESS: Sorry.

6 They went through our
7 excessive program and they kicked
8 out for further review, yes.

9 BY MR. BUCHANAN:

10 Q. And the further review was,
11 what, for QS&F?

12 MR. LIMBACHER: Object to
13 form.

14 THE WITNESS: For the
15 quantity, size and frequency, yes.

16 BY MR. BUCHANAN:

17 Q. So the company created an
18 algorithm in its order system, it
19 identified orders, and then,
20 notwithstanding that, those orders were
21 cleared and forwarded to UPS for
22 processing, correct?

23 MR. LIMBACHER: Object to
24 form.

1 THE WITNESS: They were.

2 Another point of
3 clarification, you keep talking
4 about quantity, size and
5 frequency. And another piece of
6 this was also reviewing the class
7 of trade as well.

8 So these orders also looked
9 on other wholesalers' ordering
10 patterns as well.

11 BY MR. BUCHANAN:

12 Q. And the system, each of
13 these orders, by -- and these are big
14 customers, right?

15 MR. LIMBACHER: Object to
16 form.

17 THE WITNESS: We had three
18 big wholesalers which you know,
19 Endo as -- yes, correct.

20 BY MR. BUCHANAN:

21 Q. So they are buying lots of
22 product, correct?

23 MR. LIMBACHER: Object to
24 form.

1 THE WITNESS: They are
2 buying product.

3 BY MR. BUCHANAN:

4 Q. Okay. You don't have a
5 sense of whether it was a lot or not?

6 MR. LIMBACHER: Object to
7 form.

8 THE WITNESS: I can't tell
9 by this information, no.

10 BY MR. BUCHANAN:

11 Q. And then after these orders
12 get kicked out by the algorithm, a human
13 being looks at them and cleared them
14 all --

15 MR. LIMBACHER: Object to
16 form.

17 BY MR. BUCHANAN:

18 Q. -- right?

19 A. Yes.

20 Q. We see that on the
21 right-hand column on the screen, or on
22 the document itself?

23 A. Yes.

24 Q. Okay. Let's go to .23.

1 MR. LIMBACHER: Object to
2 form.

3 THE WITNESS: No, it would
4 depend on what they needed.

5 BY MR. BUCHANAN:

6 Q. Understood.

7 Their order could kick out
8 of their system for a different reason
9 than it would for yours, right?

10 A. Potentially, yes.

11 Q. All right. Let's go to .24.

12 We're still in orders that
13 were from Missouri customers of Endo,
14 right?

15 A. Yes.

16 Q. Buying narcotics, right?

17 MR. LIMBACHER: Object to
18 form.

19 BY MR. BUCHANAN:

20 Q. You can answer.

21 A. Yes.

22 Q. Orders getting kicked for
23 tripping a wire for one of the quantity,
24 size and frequency characteristics,

1 right?

2 MR. LIMBACHER: Object to
3 form.

4 THE WITNESS: Correct.

5 BY MR. BUCHANAN:

6 Q. And notwithstanding that
7 they are getting flagged, these orders
8 are not being reported to the DEA,
9 correct?

10 MR. LIMBACHER: Object to
11 form.

12 THE WITNESS: These orders
13 kick out through our SOM program
14 for further review, correct.

15 BY MR. BUCHANAN:

16 Q. The answer to my question,
17 just as a factual matter, ma'am, none of
18 these orders that we've looked at to this
19 point, and we're now up to .24, were
20 reported to DEA, correct?

21 MR. LIMBACHER: Object to
22 form.

23 THE WITNESS: No, not that I
24 recall.

1 BY MR. BUCHANAN:

2 Q. And after your review of the
3 orders on .24, they were cleared, right?

4 A. Cleared to go to UPS through
5 their SOM program before shipping.

6 Q. And which you note here is
7 cleared after review; that's what you
8 stated here, correct?

9 MR. LIMBACHER: Object to
10 form.

11 THE WITNESS: They are
12 cleared from Endo's SAP system,
13 and then they still go to UPS
14 through their SOM program before
15 shipping.

16 BY MR. BUCHANAN:

17 Q. Let's stay with what's
18 written on this document back to the
19 Senate inquiry on .24.

20 What was the outcome listed
21 on the first line?

22 A. Cleared for review.

23 Q. Cleared after review, is
24 that what it says?

1 A. Sorry. Cleared after
2 review.

3 Q. And the next one says what?

4 A. The same thing.

5 Q. And the whole column says
6 that, right?

7 A. Correct.

8 Q. Let's go to .25.

9 You've got a lot of orders
10 into Missouri, don't you?

11 MR. LIMBACHER: Object to
12 form.

13 THE WITNESS: There's orders
14 into Missouri, yes.

15 BY MR. BUCHANAN:

16 Q. In fact, these pages that
17 we've been looking at are all orders to
18 big entities, AmerisourceBergen, Express
19 Scripts. I think we saw --

20 A. Well, if you look about
21 Express Scripts, that was for a patient
22 assistance program, which is different
23 than a regular order. So that's
24 different.

1 Q. We can agree

2 AmerisourceBergen is a big company?

3 A. Yes.

4 MS. ROLLINS: Object to the
5 form.

6 MR. LIMBACHER: Object to
7 form.

8 BY MR. BUCHANAN:

9 Q. Big customers of yours?

10 A. They are.

11 Q. So we're on here again and
12 we've got all these orders that are
13 tripping the wire by your internal
14 algorithm, true?

15 MR. LIMBACHER: Object to
16 form.

17 THE WITNESS: These went
18 through our excessive program,
19 yes, and needed -- for further
20 review.

21 BY MR. BUCHANAN:

22 Q. And when a human being got
23 involved on .24, each of these orders was
24 cleared after review, correct?

1 MR. LIMBACHER: Object to
2 form.

3 THE WITNESS: Correct.

4 BY MR. BUCHANAN:

5 Q. Okay. Let's go to .25.

6 Still looking at Endo's
7 customers?

8 A. Yes.

9 Q. Still looking at Missouri
10 orders?

11 A. Yes.

12 Q. Still seeing the reason
13 reported, in the fourth column, why it
14 triggered an investigation?

15 A. Correct.

16 Q. And still seeing the outcome
17 on the right as cleared after review?

18 A. Correct.

19 Q. In each instance for each
20 order, correct?

21 A. Yes.

22 Another point of
23 clarification, this is -- each one of
24 these lines is not each order. There's,

1 you know, multiple lines on one order.

2 So I don't want you all to think this is,
3 you know, just all individual orders.

4 Q. So what you're saying, if I
5 understand your testimony, ma'am, is that
6 there's, in fact, multiple line items
7 that fill this order?

8 A. Correct, right.

9 MR. LIMBACHER: Object to
10 form.

11 BY MR. BUCHANAN:

12 Q. So let's now go to .26, for
13 example. And thank you for that
14 clarification.

15 A. Right.

16 Q. We're looking at an order
17 from AmerisourceBergen, a ship date of
18 April 3, 2015, right?

19 A. Yes.

20 Q. Okay. The order -- that's
21 the date the product was shipped,
22 correct?

23 A. Based on what this is
24 saying, correct.

1 Q. That particular order
2 shipment might involve multiple line
3 items and different bottle counts for
4 different products, correct?

5 MR. LIMBACHER: Object to
6 form.

7 THE WITNESS: Uh-huh.

8 BY MR. BUCHANAN:

9 Q. All right. And where would
10 you go to figure out what was in that
11 order?

12 MR. LIMBACHER: Object to
13 form.

14 THE WITNESS: Our SAP
15 system.

16 BY MR. BUCHANAN:

17 Q. How long have you been using
18 that to track your orders?

19 A. Twenty years.

20 Q. And so how would you figure
21 out what composed each of these orders?

22 A. There's reports that kick
23 out from SAP.

24 Q. And what's that report

1 called?

2 A. Orders on hold report, I
3 believe.

4 Q. Okay. And so the status of
5 all these orders would be orders on hold,
6 prior to them being cleared?

7 MR. LIMBACHER: Object to
8 form.

9 THE WITNESS: Correct.

10 BY MR. BUCHANAN:

11 Q. So any order that has been
12 flagged, at any point in time by Endo's
13 algorithm, would have been an order on
14 hold, right?

15 MR. LIMBACHER: Object to
16 form.

17 THE WITNESS: Yes.

18 BY MR. BUCHANAN:

19 Q. And then the order status
20 can be changed, right?

21 MR. LIMBACHER: Object to
22 form.

23 THE WITNESS: After review.
24 It can be released for shipping,

1 yes.

2 BY MR. BUCHANAN:

3 Q. So within your system, an
4 order that trips the wire, so to speak,
5 is an order on hold?

6 MR. LIMBACHER: Object to
7 form.

8 THE WITNESS: Correct.

9 BY MR. BUCHANAN:

10 Q. And then I think you said
11 after it clears review it's then released
12 for shipping?

13 A. It's released to UPS for the
14 order to go through UPS's SOM program
15 before it's released for shipping.

16 Q. So what's the actual -- if
17 we had the screen in front of us right
18 now, SAP is the database-type program?

19 A. It's an ERP system.

20 Q. So you interact -- what's
21 the name of your implementation of it?
22 Like, does it have an application name or
23 something?

24 A. I know it as SAP.

1 Q. What do you log into, to
2 review orders that have been held or
3 pending?

4 A. SAP.

5 Q. Okay. And then do you go to
6 a particular module in that to review
7 pending orders?

8 A. There's -- yes, there's
9 screens within SAP that shows orders on
10 hold.

11 Q. And so you can -- orders on
12 hold have to be reviewed by a human
13 being, as we've been discussing, right?

14 MR. LIMBACHER: Object to
15 form.

16 THE WITNESS: Correct.

17 BY MR. BUCHANAN:

18 Q. And when that's done -- and
19 what are the status flags for a
20 particular order?

21 A. Say your question again.

22 Q. So one of the -- one of the
23 flags, it sounds like, is hold, right?

24 MR. LIMBACHER: Object to

1 A. No. It's within the SAP
2 system.

3 Q. Okay. A system created by
4 the people in IT at Endo for the team's
5 use, correct?

6 MR. LIMBACHER: Object to
7 form.

8 THE WITNESS: Yes.

9 BY MR. BUCHANAN:

10 Q. Okay. And so it trips
11 whatever that algorithm said was unusual
12 quantity, size or frequency.

13 And then it was held, right?

14 A. Held for review, yes.

15 Q. And following your review,
16 ma'am, or your team's review, in each
17 instance on this page, .32, cleared after
18 review, correct?

19 A. Correct. And then released
20 to UPS.

21 Q. And then we go to .33.

22 More of the same, Missouri
23 customers of Endo, correct?

24 A. Yes.

1 Q. Tripped the wires and held,
2 correct?

3 MR. LIMBACHER: Object to
4 form.

5 THE WITNESS: Correct.

6 BY MR. BUCHANAN:

7 Q. When the human beings got
8 their hands on the order, they were
9 cleared after review, correct?

10 MR. LIMBACHER: Object to
11 form.

12 THE WITNESS: After they
13 were reviewed, yes.

14 BY MR. BUCHANAN:

15 Q. Okay. So, too, on .34.
16 More Endo customers from
17 Missouri?

18 A. Yes.

19 Q. Tripped the wire in Endo's
20 suspicious order monitoring system,
21 correct?

22 MR. LIMBACHER: Object to
23 form.

24 THE WITNESS: Correct. And

1 then they were reviewed and sent
2 to UPS for shipping.

3 BY MR. BUCHANAN:

4 Q. Okay. And then the
5 conclusion of your team was cleared after
6 review in each instance of these,
7 correct?

8 A. Yes.

9 But as a reminder, once they
10 get to UPS, they go through UPS's SOM
11 program --

12 MR. BUCHANAN: Move to
13 strike.

14 THE WITNESS: -- before they
15 are released for shipping.

16 MR. BUCHANAN: Move to
17 strike the nonresponsive portion.

18 BY MR. BUCHANAN:

19 Q. We're on to .35. And this
20 looks like the last of the orders just in
21 Missouri.

22 Again, Endo customers from
23 Missouri, correct?

24 A. Yes.

1 Q. And these tripped the wire
2 in Endo's suspicious order system,
3 correct?

4 MR. LIMBACHER: Object to
5 form.

6 THE WITNESS: They were
7 reviewed.

8 BY MR. BUCHANAN:

9 Q. And then they were reviewed
10 by a human being, and the hold was lifted
11 and they were -- a delivery note was sent
12 to UPS, fair?

13 MR. LIMBACHER: Object to
14 form.

15 THE WITNESS: It was sent to
16 UPS, yes.

17 BY MR. BUCHANAN:

18 Q. And what's noted on the far
19 right is cleared after review, correct?

20 A. Correct.

21 Q. Okay. I just want to
22 understand.

23 After looking at Exhibit-1,
24 I think what's happening today, or at

1 least in 2017, is it correct, ma'am, that
2 what was described in the response, in
3 Exhibit-1 to the Ranking Member
4 McCaskill, that that accurately reflects
5 what you're doing today?

6 MR. LIMBACHER: Object to
7 form. Did you want her to review
8 the first several pages of the
9 exhibit?

10 MR. BUCHANAN: I thought we
11 did.

12 BY MR. BUCHANAN:

13 Q. You have before you an
14 Exhibit-1, ma'am.

15 I think you told us part was
16 for the generic business, Qualitest and
17 Par, correct?

18 MR. LIMBACHER: I think you
19 told us that, but --

20 THE WITNESS: Yes, the
21 beginning is for Par, our generics
22 division.

23 BY MR. BUCHANAN:

24 Q. And the second part is for

1 the branded division, correct?

2 A. Yes.

3 Q. And the part that's
4 summarized in Exhibit-1 for the branded
5 division, Endo, that's what the company
6 is doing to this day, correct?

7 MR. LIMBACHER: Object to
8 form.

9 THE WITNESS: Yes. Endo has
10 an SOM program in place.

11 BY MR. BUCHANAN:

12 Q. And as reflected in
13 Exhibit-1, that is what Endo's SOM
14 program is today?

15 MR. LIMBACHER: Object to
16 form.

17 THE WITNESS: We have an SOM
18 program in place. Orders are
19 reviewed, if they are pended or
20 held or kicked out, whatever word
21 you want to use.

22 BY MR. BUCHANAN:

23 Q. Is the branded arm of Endo
24 reviewing IMS data concerning its

1 products with regard to suspicious order
2 evaluation?

3 MR. LIMBACHER: Object to
4 form. Foundation.

5 THE WITNESS: I can't speak
6 to IMS data. That's not part of
7 my responsibility.

8 BY MR. BUCHANAN:

9 Q. Do you understand what IMS
10 data is?

11 A. I know what IMS data is,
12 yes. But that's not part of my
13 responsibility.

14 Q. What is IMS data?

15 A. It's prescription data for
16 the products.

17 Q. And you can see down to the
18 prescriber level. You can also see at
19 the pharmacy level.

20 Are you aware of that?

21 MR. LIMBACHER: Object to
22 form.

23 THE WITNESS: I know what
24 IMS data is, yes.

1 BY MR. BUCHANAN:

2 Q. How about Wolters Kluwer; do
3 you use Wolters Kluwer data for anything?

4 MR. LIMBACHER: Object to
5 form.

6 THE WITNESS: I can't speak
7 to that. I don't know.

8 BY MR. BUCHANAN:

9 Q. Do you conduct due diligence
10 visits as part of your SOM program today?

11 MR. LIMBACHER: Object to
12 form.

13 BY MR. BUCHANAN:

14 Q. For branded?

15 A. So our generic division,
16 which has the same customers as our
17 branded division, performed site visits
18 for our customers and the branded
19 division utilized that data.

20 Q. When did you start doing
21 that for branded, ma'am?

22 A. Our generic division has
23 always done site visits.

24 Q. When did they start doing

1 that?

2 A. I don't recall the actual
3 date.

4 Q. Do you have confidence they
5 were doing that back in 2010?

6 MR. LIMBACHER: Object to
7 form. Foundation.

8 THE WITNESS: I can't -- I
9 don't recall. I can't speak to
10 that.

11 BY MR. BUCHANAN:

12 Q. If I understand your
13 testimony, the branded arm of Endo, or
14 Endo Pharmaceuticals, is relying on due
15 diligence visits of Par?

16 MR. LIMBACHER: Object to
17 form. Misstates her testimony.

18 BY MR. BUCHANAN:

19 Q. Is that right?

20 A. The Par generics division
21 did customer site visits, that's correct.
22 And Endo has the same limited customer
23 base and Par had the same customers.

24 Actually, Par had more

1 customers than Endo.

2 Q. And that's a good thing to
3 do?

4 MR. LIMBACHER: Object to
5 form.

6 BY MR. BUCHANAN:

7 Q. Site visits?

8 A. I can't really speak to
9 that.

10 Q. Well, you said --

11 A. Par did it. Par -- yes, I
12 mean, it's important to do site visits.

13 Q. And it sounded like, from
14 your answer, that Endo was relying on
15 site visits that Qualitest or Par are
16 conducting as part of their process --

17 MR. LIMBACHER: Object to
18 form.

19 BY MR. BUCHANAN:

20 Q. -- is that right?

21 A. I know that Par/Qualitest
22 did site visits of the customers, yes.

23 Q. But correct me if I'm
24 misunderstanding your testimony, ma'am.

1 I thought you answered to me
2 that, when I asked do you conduct site
3 visits on branded, that you were relying
4 on site visits that Qualitest or Par
5 conducted?

6 A. Our generic --

7 MR. LIMBACHER: Object to
8 form.

9 THE WITNESS: Our generic
10 division, yes, that's correct.

11 BY MR. BUCHANAN:

12 Q. So am I understanding your
13 testimony that you consider that part of
14 your efforts to combat diversion?

15 MR. LIMBACHER: Object to
16 form.

17 THE WITNESS: I don't know
18 how to answer that.

19 Could you say your question
20 again?

21 BY MR. BUCHANAN:

22 Q. So am I understanding your
23 testimony correctly that you consider
24 those due diligence visits of Par and

1 Qualitest to be part of Endo's efforts to
2 prevent -- to combat diversion of its
3 branded products?

4 MR. LIMBACHER: Object to
5 form.

6 THE WITNESS: One thing that
7 is slightly different between
8 branded and generics is branded
9 has the same customer base. We
10 don't add new customers, as the
11 generic division may or may not
12 do.

13 So we have the same customer
14 base as our generic group. So we
15 partnered with our generic group,
16 and we used their site visits of
17 the branded customers, because
18 it's the same customer base.

19 The generics may have more.
20 We have a limited customer base,
21 and that's the same customer base
22 that our generics also have.

23 BY MR. BUCHANAN:

24 Q. Okay. So have you ever been

1 on a due diligence visit for one of
2 Endo's customers?

3 A. No.

4 Q. Have you ever been on a due
5 diligence visit for one of Endo's
6 customer's customers?

7 MR. LIMBACHER: Object to
8 form.

9 THE WITNESS: No. Our
10 customer is the wholesaler.

11 BY MR. BUCHANAN:

12 Q. Do you recognize a
13 responsibility by Endo to know its
14 customers?

15 MR. LIMBACHER: Object to
16 form.

17 THE WITNESS: Yes.

18 BY MR. BUCHANAN:

19 Q. To ensure that its customers
20 are not engaging in -- withdrawn.

21 And to ensure that its
22 customers have good suspicious order
23 monitoring systems?

24 A. I know that our customers,

1 the wholesalers, have an SOM program in
2 place.

3 Q. You're aware that they've
4 gotten -- they've had some problems, some
5 of your customers, true?

6 A. I can't --

7 MR. LIMBACHER: Object to
8 form.

9 THE WITNESS: I can't speak
10 to that.

11 BY MR. BUCHANAN:

12 Q. You're aware that some of
13 Endo's customers had their registrations
14 pulled?

15 MR. LIMBACHER: Object to
16 form.

17 THE WITNESS: I can't speak
18 to that.

19 BY MR. BUCHANAN:

20 Q. You don't have an awareness
21 of that?

22 A. I have an awareness, yes.
23 But I don't have any details that I can
24 provide.

1 Q. Well, did you attempt to
2 ensure that the customers you were
3 selling Endo's products to had good
4 suspicious order monitoring practices?

5 MR. LIMBACHER: Object to
6 form.

7 THE WITNESS: I know that
8 the wholesalers have SOM programs
9 in place.

10 BY MR. BUCHANAN:

11 Q. And so please tell us about
12 how you conducted your due diligence on
13 that.

14 MR. LIMBACHER: Object to
15 form.

16 THE WITNESS: We just know,
17 just -- you know, our customers
18 have told us that they have SOM
19 programs in place.

20 BY MR. BUCHANAN:

21 Q. Okay.

22 A. I don't have the details of
23 those programs. I just know that they
24 have one in place.

1 Q. Okay. Well, as part of
2 evaluating your customer's due diligence
3 programs, did you collect them?

4 A. No. But our customer is the
5 wholesaler. Who they ship to is on them,
6 not on Endo.

7 Q. And the answer to my
8 question, just so I'm clear, is no?

9 You didn't collect them; is
10 that correct?

11 MR. LIMBACHER: Object to
12 form.

13 THE WITNESS: Did I collect
14 what?

15 BY MR. BUCHANAN:

16 Q. Did you collect the SOM
17 programs and evaluate the SOM programs of
18 Endo's customers?

19 MR. LIMBACHER: Object to
20 form.

21 THE WITNESS: No, I did not.

22 BY MR. BUCHANAN:

23 Q. Okay.

24 A. Our Qualitest group may

1 have, as part of their site visits.

2 Q. Do you have an awareness,
3 sitting here today, as to what your
4 customers' SOM program looks like that
5 you were selling Endo-branded
6 pharmaceuticals to?

7 MR. LIMBACHER: Object to
8 form.

9 THE WITNESS: No, all I know
10 is they have an SOM program in
11 place.

12 BY MR. BUCHANAN:

13 Q. Okay. And have you seen the
14 SOM program for any of Endo's customers?

15 MR. LIMBACHER: Object to
16 form. Asked and answered.

17 THE WITNESS: No, I have
18 not.

19 BY MR. BUCHANAN:

20 Q. And have you personally
21 asked for it from any of Endo's
22 customers?

23 A. I know that our wholesalers
24 have an SOM program in place.

1 Q. I don't think you're
2 following my question. Let me see if I
3 can read it back.

4 Have you personally asked
5 for any of Endo's customers' SOM
6 programs, ma'am?

7 A. I can tell you that I know
8 our wholesalers have an SOM program in
9 place. I do not know any details behind
10 that SOM program, but I know they have
11 one in place.

12 Q. My question is, have you
13 ever asked for any of your
14 wholesalers' --

15 A. Not that I --

16 Q. -- programs?

17 A. Not that I recall.

18 MR. LIMBACHER: We've been
19 going about an hour, Dave, is this
20 a good time to stop?

21 MR. BUCHANAN: If you need
22 it, it's fine.

23 MR. LIMBACHER: Thank you.

24 VIDEO TECHNICIAN: Going off

1 record. The time is 11:14.

2 - - -

3 (Whereupon, a brief recess
4 was taken.)

5 - - -

6 VIDEO TECHNICIAN: We're
7 going back on the record. This is
8 the beginning of Media File Number
9 3. The time is 11:33.

10 BY MR. BUCHANAN:

11 Q. Ms. Walker, we're back on
12 the record.

13 You're still under oath.
14 You understand that, correct?

15 A. Yes, I do.

16 Q. I want to take us back to
17 your Exhibit-1. You have the report. It
18 says, Attachment.

19 With regard to Ranking
20 Member McCaskill's July 26, 2017 letter,
21 Endo provides the following response.

22 We were talking about Item
23 1, Please describe any suspicious order
24 monitoring program Endo and its

1 subsidiaries have implemented, including
2 efforts to monitor, investigate or report
3 suspicious transactions between its
4 distributors and pharmacies and efforts
5 to analyze information related to
6 chargeback requests.

7 Do you see that?

8 A. Yes, I do.

9 Q. Okay. There's a summary of
10 Par's SOM program on the front page,
11 correct?

12 A. Yes.

13 Q. And on the second page, we
14 begin the characterization of Endo's SOM
15 program.

16 Do you see that?

17 A. I do see that.

18 Q. Okay. In regards to the
19 request from Ranking Member McCaskill
20 about chargeback information, I don't see
21 any response with regard to what Endo
22 does in that regard.

23 Do you?

24 MR. LIMBACHER: Object to

1 form.

2 THE WITNESS: No.

3 Chargeback data is not listed
4 under the Endo SOM program.

5 BY MR. BUCHANAN:

6 Q. So describe how Endo branded
7 uses chargeback data in connection with
8 its suspicious order monitoring program.

9 A. Endo does not use the
10 chargeback data with our SOM program.

11 Q. It doesn't use it today?

12 A. No, we do not.

13 Q. Didn't use it, obviously, in
14 2017 during the time of this, correct?

15 A. That's correct. In the --

16 Q. And didn't --

17 MR. LIMBACHER: Sorry, were
18 you finished in your answer?

19 BY MR. BUCHANAN:

20 Q. Did you use it in 2017?

21 A. No, we did not.

22 But I just wanted to point
23 out, the reason for that is the branded
24 opioid products are not on retail

1 contracts, which is different from the
2 generics division. So that's the reason
3 why chargeback data was not utilized.

4 Q. Does the company not have
5 any chargeback agreements with any of its
6 distributors for branded products?

7 A. I can't speak to chargeback
8 contracts, because that's not my area. I
9 just know that the branded opioids are
10 not on retail-type contracts like
11 generics are. That's the only thing that
12 I can -- that I can speak of.

13 Q. Well, is it your testimony,
14 ma'am, that the company does not have
15 chargeback data for branded products?

16 MR. LIMBACHER: Object to
17 form.

18 THE WITNESS: I can't
19 confirm that. There may be some,
20 but I know they're not on retail
21 contracts. There may be -- I
22 don't want to speculate, because
23 it's not my area of
24 responsibility. But there may be

1 some government contracts where
2 there are branded opioid products.

3 BY MR. BUCHANAN:

4 Q. Do you know, in connection
5 with your agreements with UPS over the
6 years, there's been provisions with
7 regard to chargeback data with regard to
8 Endo?

9 MR. LIMBACHER: Object to
10 form.

11 THE WITNESS: UPS --

12 BY MR. BUCHANAN:

13 Q. And who is going to handle
14 that responsibility?

15 A. UPS does not handle any of
16 our chargeback data. Because, again,
17 retail contracts are not for branded
18 opioid products. There are no retail
19 contracts for that.

20 Q. What is a chargeback, ma'am?

21 A. You want me to explain what
22 a chargeback is?

23 Q. Sure.

24 A. A chargeback is, for

1 example, if we charge the wholesaler \$10
2 and then there's a retail contract for \$5
3 and the wholesaler charges it for \$5 to
4 XYZ retailer, the wholesaler charges us
5 back the difference between \$10 and \$5.

6 Q. And you're saying your
7 relationships with the wholesalers did
8 not permit them to do that with regard to
9 branded products?

10 A. No, that's not --

11 MR. LIMBACHER: Object to
12 form. Misstates her testimony.

13 THE WITNESS: No, that's not
14 what I'm saying.

15 What I'm saying is, number
16 one, chargebacks and contracts is
17 not my responsibility. But from
18 what I know, branded opioid
19 products are not on any retail
20 contract. So there would be no
21 reason for the chargeback -- for
22 the wholesalers to send us
23 chargeback data if they're not on
24 contract.

1 BY MR. BUCHANAN:

2 Q. Decided not to answer the
3 request?

4 MR. LIMBACHER: Object to
5 form.

6 THE WITNESS: I can't speak
7 to that. I don't know. It's not
8 listed.

9 BY MR. BUCHANAN:

10 Q. You reviewed this response
11 before it went in, fair?

12 A. Yes.

13 MR. LIMBACHER: Object to
14 form.

15 BY MR. BUCHANAN:

16 Q. I'm assuming others within
17 the organization reviewed it as well,
18 correct?

19 A. Yes.

20 Q. Do you have an awareness of
21 that?

22 A. Yes. Yes, an awareness.

23 Q. Folks in senior management
24 reviewed it, to your knowledge?

1 MR. LIMBACHER: Object to
2 form.

3 BY MR. BUCHANAN:

4 Q. Do you know?

5 A. I don't know.

6 Q. Okay. We can agree that the
7 company, in responding to this inquiry,
8 didn't state that it doesn't use
9 chargeback information because it would
10 be of no value with regard to branded
11 products, correct?

12 MR. LIMBACHER: Object to
13 form. The document speaks for
14 itself.

15 BY MR. BUCHANAN:

16 Q. We can agree it doesn't say
17 that?

18 A. After reading it, it does
19 not mention any chargeback data.

20 Q. We can agree it doesn't say
21 that the company doesn't have chargeback
22 data with regard to branded products,
23 correct?

24 MR. LIMBACHER: Object to

1 form.

2 THE WITNESS: I don't think
3 it says that, it's just
4 chargebacks is just not listed.

5 BY MR. BUCHANAN:

6 Q. It says nothing?

7 A. Right. It doesn't say one
8 way or the other. It's just not listed.

9 Q. It ignores the request?

10 MR. LIMBACHER: Object to
11 form.

12 THE WITNESS: I -- it's not
13 listed. That's all I can tell
14 you.

15 BY MR. BUCHANAN:

16 Q. Well, the company did
17 provide something with regard to what
18 Qualitest was doing, right?

19 A. Yes.

20 Q. As part of your role and
21 function, or, I guess, as an employee of
22 Endo, do you complete periodic reviews of
23 your own performance, ma'am?

24 A. Yes. We do it every year.

1 Q. You've had some role and
2 involvement with regard to chargebacks
3 over the years; isn't that true?

4 A. Years ago, yes.

5 Q. So the company does have
6 chargeback data on its branded products,
7 correct?

8 MR. LIMBACHER: Object to
9 form.

10 THE WITNESS: Yes.

11 BY MR. BUCHANAN:

12 Q. And chargeback data provides
13 information at the retail level, correct?

14 A. From what I know of
15 chargeback data for branded opioid
16 products, there are no -- they are not on
17 retail contracts, so you would not have
18 any chargeback data for retail.

19 Q. Okay. Have you looked at
20 the chargeback data for branded opioid
21 products, ma'am?

22 MR. LIMBACHER: Object to
23 form.

24 THE WITNESS: Not recently,

1 no, because it's not my area of
2 responsibility.

3 BY MR. BUCHANAN:

4 Q. Have you examined chargeback
5 data for Endo's branded work to see
6 whether it has information at your
7 customers' customer level?

8 MR. LIMBACHER: Object to
9 form.

10 THE WITNESS: No, I have
11 not.

12 BY MR. BUCHANAN:

13 Q. At any point in time, when
14 you've had a role or responsibility for
15 suspicious orders within suspicious order
16 monitoring within Endo, you haven't
17 considered chargeback data, true?

18 MR. LIMBACHER: Object to
19 form.

20 THE WITNESS: I had the
21 information that I needed to do my
22 job.

23 BY MR. BUCHANAN:

24 Q. Not my question, ma'am.

1 Just as a factual matter, in
2 doing your job, at any point in time did
3 you consider chargeback data as part of
4 the suspicious order monitoring function?

5 A. No.

6 Q. As part of your doing your
7 job, did you ever consider IMS data as
8 part of doing suspicious order
9 monitoring?

10 MR. LIMBACHER: Object to
11 form.

12 THE WITNESS: IMS is not
13 part of my job responsibility.

14 BY MR. BUCHANAN:

15 Q. And you never considered it,
16 then, certainly, as part of suspicious
17 order monitoring, fair?

18 MR. LIMBACHER: Object to
19 form.

20 THE WITNESS: Not
21 particularly in my role. But
22 there may have been other people
23 within Endo that has done
24 something with that data. But not

1 me.

2 BY MR. BUCHANAN:

3 Q. Within --

4 A. And I can't speak to other
5 roles within the company.

6 Q. Within the suspicious order
7 monitoring role or function of Endo
8 branded products, to the best of your
9 knowledge, IMS data has never been a
10 component of that analysis, correct?

11 MR. LIMBACHER: Object to
12 form. Foundation.

13 THE WITNESS: I had enough
14 data to do my job. The IMS data
15 is part of another area of
16 responsibility within Endo. They
17 may have. I can't speak to it,
18 but they may have done something
19 with that.

20 BY MR. BUCHANAN:

21 Q. The answer to my question,
22 then, would be, no, you didn't analyze
23 IMS data as part of your role and
24 function in suspicious order monitoring,

1 fair?

2 MR. LIMBACHER: Object to
3 form.

4 THE WITNESS: I had --

5 MR. LIMBACHER: Misstates
6 her testimony.

7 THE WITNESS: I had the data
8 that I needed to do my job.

9 BY MR. BUCHANAN:

10 Q. Was that data IMS data,
11 ma'am?

12 A. There's other -- IMS data is
13 not part of my responsibility.

14 Q. Ma'am, just tell me, did you
15 consider IMS data in connection with your
16 role and function of monitoring
17 suspicious orders for Endo; yes or no?

18 MR. LIMBACHER: Object to
19 form. Asked and answered.

20 THE WITNESS: I had the data
21 that I needed to do my job. IMS
22 data is within another area within
23 Endo. There's other people that
24 reviewed that data. I did not.

1 BY MR. BUCHANAN:

2 Q. Did the other people within
3 Endo review IMS data for suspicious order
4 monitoring?

5 A. I can't speak to that other
6 area of responsibility. It's not my
7 area.

8 Q. To the best of your
9 knowledge, sitting in this chair today,
10 Endo did not consider IMS data as part of
11 its suspicious order monitoring function,
12 correct?

13 MR. LIMBACHER: Object to
14 form and foundation.

15 BY MR. BUCHANAN:

16 Q. To the best of your
17 knowledge. That's all we can get today,
18 ma'am.

19 A. And I'm going to tell you
20 again, I had enough data -- I had the
21 data to do my job. The IMS data was in
22 another area of responsibility within
23 Endo. What they did or did not do with
24 that data, I cannot speak to.

1 Q. At any point in time, did
2 Endo ask one of its customers, one of its
3 distributor or wholesaler customers, to
4 reduce its order size to account for
5 pharmacy customers or other customers of
6 concern?

7 MR. LIMBACHER: Object to
8 form.

9 THE WITNESS: Not that I
10 recall.

11 BY MR. BUCHANAN:

12 Q. Are you familiar with the
13 phrase "know your customer's customer"?

14 A. Yes.

15 Q. What does that mean, or what
16 does that mean to you, ma'am?

17 A. Knowing who our customers
18 ship to.

19 Q. Knowing whether they have a
20 proper purpose, right?

21 MR. LIMBACHER: Object to
22 form.

23 THE WITNESS: Potentially,
24 yes.

1 BY MR. BUCHANAN:

2 Q. At any point in time, did
3 Endo guide its distributor or wholesaler
4 customers to reduce the size of its
5 orders to account for certain of their
6 customers engaged in suspicious
7 activities?

8 MR. LIMBACHER: Object to
9 form.

10 THE WITNESS: Not that I
11 recall.

12 BY MR. BUCHANAN:

13 Q. Do you have an awareness,
14 ma'am, that Qualitest did that at some
15 point in time?

16 A. No. That's the generics
17 division, no.

18 Q. You didn't have visibility
19 to what the generic team was doing with
20 regard to their suspicious order
21 monitoring protocol?

22 MR. LIMBACHER: Object to
23 form.

24 THE WITNESS: No.

1 visits of your customers?

2 And Endo replied?

3 A. No.

4 Q. And that was a true
5 statement?

6 A. Correct. Right. Endo did
7 not.

8 Q. And we can agree you
9 provided no explanation as to some other
10 source that was doing the customer review
11 for you, correct?

12 MR. LIMBACHER: Object to
13 form. The document speaks for
14 itself.

15 THE WITNESS: No.

16 BY MR. BUCHANAN:

17 Q. You filled this out, right?

18 A. Right. No, I did not
19 explain about Qualitest.

20 Q. Okay. And was UPS shipping
21 for Qualitest in 2013, ma'am?

22 A. No, they were not.

23 Q. In 2014?

24 A. No.

1 Q. In 2015?

2 A. No.

3 Q. 2016?

4 A. No.

5 Q. You can set that aside,
6 ma'am.

7 MR. BUCHANAN: Next in
8 order, Scott, 753.

9 MR. LIMBACHER: Dave,
10 whenever it's a good time to break
11 for lunch. It's 12:30.

12 MR. BUCHANAN: This will
13 take five minutes. Fair?

14 MR. LIMBACHER: That's fine.

15 MR. SIEGEL: This is marked
16 as Walker-5.

17 - - -

18 (Whereupon, EndoWalker
19 Exhibit-5,
20 ENDO_OPIOID_MDL_05968962-963 was
21 marked for identification.)

22 - - -

23 BY MR. BUCHANAN:

24 Q. Ms. Walker, we're passing

1 you what we're marking as Exhibit-5 to
2 your deposition. It's Bates stamped
3 Endo_Opioid_MDL, last three digits 962.

4 It's an e-mail exchange
5 between you and your colleague, Kim
6 Lindell at UPS. I said "your
7 colleague" --

8 A. She works at UPS.

9 Q. -- your counterpart at UPS?

10 A. She works in the regulatory
11 group at UPS.

12 Q. Okay. We're looking here in
13 the summer of -- excuse me, April of
14 2014, starting at the bottom, please.
15 External, getting to know your customers.

16 Do you see that?

17 A. Yes.

18 Q. Actually, I should probably
19 start at the bottom of the first page, so
20 we orient ourselves.

21 You sent an e-mail off to
22 Ms. Lindell in April of 2014, right?

23 A. Yes, that's what this is
24 stating.

1 Q. Subject, Getting to know
2 your customers?

3 A. Yes.

4 Q. I guess it says, Getting to
5 you your customers, but you were saying
6 getting to know your customers,
7 essentially?

8 A. Correct.

9 Q. Hi, Kim, there have been
10 many discussions around getting to know
11 your customers at Endo and Qualitest.
12 With that being said, I was under the
13 impression that UPS was not required by
14 the DEA to perform these audits.

15 And what did you write after
16 that?

17 A. And it was the
18 responsibility of the manufacturers.

19 Q. And it was the
20 responsibility of the manufacturers.

21 That's what you wrote?

22 A. That's what I wrote.

23 Q. And that was your
24 understanding as of that point in time,

1 correct, ma'am?

2 A. Correct.

3 Q. Because after all, it was
4 the manufacturers who had the sales force
5 and the customers, right?

6 MR. LIMBACHER: Object to
7 form.

8 THE WITNESS: Yes.

9 BY MR. BUCHANAN:

10 Q. Endo had the sales force,
11 Endo had the relationships with the
12 distributors and the wholesalers, Endo
13 had the relationship to the people who
14 were placing the orders, correct?

15 MR. LIMBACHER: Object to
16 form.

17 THE WITNESS: We had the
18 relationship with the wholesalers.

19 BY MR. BUCHANAN:

20 Q. Okay. So after you wrote,
21 it was the responsibility of the
22 manufacturers, you responded -- or
23 questioned, Can you confirm my assumption
24 is correct?

1 Did I read that correctly?

2 A. You did.

3 Q. Endo was looking at an
4 outside vendor to perform these audits
5 and someone mentioned to me that they
6 thought UPS had to perform these audits
7 as well, which I do not believe is true.

8 Did I read that correctly?

9 A. You did.

10 Q. So as of this point in time,
11 in 2014, you were clear, at least, that
12 UPS was not going to your customers to
13 know them, correct?

14 A. In 2014, correct.

15 Q. Okay. And you got a
16 response from UPS, correct?

17 A. Yes.

18 Q. From -- this is the person
19 in regulatory affairs at UPS, correct?

20 A. Yes. Kim is in the
21 regulatory group.

22 Q. Did you reach out -- did you
23 reach out to compliance and regulatory
24 affairs at Endo on this issue?

1 A. I don't recall.

2 Q. Okay. The reply you got
3 from Ms. Lindell was, Hi, Lisa, UPS does
4 have a Know Your Customer program in
5 place. However, as a 3PL provider --
6 let's pause. What is a 3PL provider?

7 A. Third-party logistics.

8 Q. As a third-party logistics
9 provider, we do not maintain the
10 relationship with our clients' (Endo)
11 customers.

12 And that was true, right?
13 They don't have a relationship with your
14 customers?

15 A. No, they don't.

16 Q. You may recall the survey
17 that we asked you to complete, she asks
18 with a question mark on the end.

19 Do you see that?

20 A. Yes.

21 Q. Do you recall that we looked
22 at those surveys, the Know Your Customer
23 checklist surveys a moment ago?

24 A. Yes.

1 Q. And do you recall you
2 answering that Endo does not, in fact, go
3 and conduct customer due diligence,
4 correct?

5 A. That is correct.

6 Q. The survey contains
7 questions about your SOM program, process
8 for vetting new customers, customer
9 types, et cetera. This allows us to do
10 our due diligence to the extent that we
11 can. Having said that, we believe that
12 the DEA requires both the manufacturer
13 and the distributor have a program in
14 place.

15 Did I read that correctly?

16 A. You did.

17 Q. And that was your
18 understanding as well, as you noted on
19 the prior page, correct?

20 A. Uh-huh.

21 MR. LIMBACHER: Objection to
22 form.

23 BY MR. BUCHANAN:

24 Q. That's a yes answer, ma'am?

1 A. Yes.

2 Q. And then you replied to that
3 e-mail saying, So your Getting to Know
4 Your Customer program is around your
5 clients?

6 You're saying that to UPS,
7 correct?

8 A. I am.

9 Q. And "your clients," when
10 directing that to UPS, would be companies
11 like Endo, right?

12 A. It would, yes.

13 Q. And so your understanding,
14 ma'am, was that UPS's obligation was to
15 get to know companies like you, right?

16 MR. LIMBACHER: Object to
17 form.

18 THE WITNESS: In 2014, yes.

19 BY MR. BUCHANAN:

20 Q. And that it was the
21 manufacturer's obligation to get to know
22 their customers and their customers'
23 customers, correct?

24 MR. LIMBACHER: Object to

1 form. Misstates the evidence.

2 THE WITNESS: Based on what
3 I know, yes.

4 BY MR. BUCHANAN:

5 Q. Okay.

6 MR. BUCHANAN: I think it's
7 a good place to break.

8 MR. LIMBACHER: Do you want
9 to read the response from UPS or
10 do you want me to do that?

11 MR. BUCHANAN: We can. I
12 think I just did.

13 MR. LIMBACHER: No, I don't
14 think so.

15 BY MR. BUCHANAN:

16 Q. Friday, April 11, 2014. So,
17 Kim, Getting to Know Your Customer
18 program is around your clients. Thanks.

19 You responded -- withdrawn.

20 Let me start this over.

21 Where were we?

22 MR. BUCHANAN: Middle of the
23 page, please.

24 MR. LIMBACHER: Lisa sent a

1 question and then --

2 MR. BUCHANAN: I have it.

3 Yes.

4 BY MR. BUCHANAN:

5 Q. Hi, Kim, so your Getting to
6 Know Your Customer program is around your
7 clients. Thanks. Lisa.

8 Did I read that correctly,
9 ma'am?

10 A. Yes, you did.

11 Q. And the reply you got from
12 Ms. Lindell to you was, Yes, and, to some
13 degree, your customers, based on the
14 information that you provide us. The
15 original plan was to survey your
16 customers, but in the end we went down a
17 different path.

18 Did I read that correctly?

19 A. You did.

20 Q. And a response to the Know
21 Your Customer checklist that you sent
22 back to Ms. Lindell in 2013, did you
23 provide them with due diligence
24 information on your customers?

1 Q. Did you have that
2 understanding, ma'am, that as a member of
3 the closed system for controlled
4 substance distribution that your company
5 had an obligation to maintain effective
6 controls against diversion; yes or no?

7 MR. LIMBACHER: Object to
8 the form and foundation.

9 BY MR. BUCHANAN:

10 Q. Did you understand that?

11 MR. LIMBACHER: Asked and
12 answered.

13 THE WITNESS: I know that
14 Endo had a lot of different
15 programs in place to maintain --
16 sorry, wrong word -- to stop
17 diversion.

18 I cannot speak to all those
19 programs within Endo. I can only
20 speak to my job.

21 BY MR. BUCHANAN:

22 Q. Okay. Within Endo branded,
23 ma'am, please share with us the other
24 effective controls the company maintained

1 to prevent diversion that you know about.

2 MR. LIMBACHER: Object to
3 the form and foundation. You want
4 her to now testify about the
5 things she just told you she
6 couldn't testify about? Is that
7 the question?

8 MR. BUCHANAN: She said she
9 knows Endo has a lot of different
10 programs in place, so I'd like to
11 know what they are.

12 MR. LIMBACHER: And I can't
13 speak to all of those programs
14 within Endo, is her testimony.

15 So I want just to be clear
16 on the record that you're asking
17 her now to testify about things
18 that she's just said that she
19 cannot speak to. Is that what
20 we're doing now, counsel?

21 MR. BUCHANAN: You can
22 answer.

23 MR. LIMBACHER: Is that how
24 we're using our time?

1 MR. BUCHANAN: We can
2 definitely use our time that way,
3 because she says she has knowledge
4 of it.

5 BY MR. BUCHANAN:

6 Q. So please share with us,
7 ma'am, those effective controls against
8 diversion that you're aware of that Endo
9 had?

10 MR. LIMBACHER: Objection to
11 the form. Foundation. Asked and
12 answered.

13 THE WITNESS: Am I
14 answering? I'm sorry.

15 BY MR. BUCHANAN:

16 Q. You can answer.

17 MR. LIMBACHER: Do you need
18 him to repeat the question?

19 THE WITNESS: Sure. Repeat
20 the question.

21 BY MR. BUCHANAN:

22 Q. Please share with us, Ms.
23 Walker, the effective controls against
24 diversion that you're aware of that Endo

1 had.

2 MR. LIMBACHER: Object to
3 the form and foundation. Asked
4 and answered.

5 THE WITNESS: I know that
6 Endo had other -- had programs in
7 place. I can't speak to them.
8 They're not part -- they're not my
9 responsibility.

10 BY MR. BUCHANAN:

11 Q. Are you aware of any?

12 MR. LIMBACHER: Object to
13 form. And foundation.

14 THE WITNESS: There are
15 programs in place that Endo did.
16 I cannot speak to them. I can't
17 speak for the company. I can only
18 speak for myself and my job.

19 BY MR. BUCHANAN:

20 Q. Your job, as I understand
21 it, ma'am, was head of suspicious order
22 monitoring, correct?

23 MR. LIMBACHER: Object to
24 form.

1 THE WITNESS: Suspicious
2 order monitoring was part of my
3 job responsibility.

4 BY MR. BUCHANAN:

5 Q. If we were to look for
6 Endo's SOPs on suspicious order
7 monitoring, we could see described at
8 least what Endo did in regard to standard
9 operating procedures with regard to
10 suspicious order monitoring, would that
11 be true?

12 MR. LIMBACHER: Object to
13 form.

14 THE WITNESS: I think we
15 already looked at the document
16 about our SOM program.

17 BY MR. BUCHANAN:

18 Q. Does Endo even have SOPs for
19 suspicious order monitoring, ma'am?

20 MR. LIMBACHER: Object to
21 form.

22 THE WITNESS: We have that
23 document in place. And many of
24 our SOPs are within UPS.

1 BY MR. BUCHANAN:

2 Q. Does Endo have SOPs for
3 suspicious order monitoring?

4 A. We have --

5 MR. LIMBACHER: Object to
6 form.

7 THE WITNESS: We have the
8 document that we looked at, that
9 we have already reviewed. That's
10 the only document that I know of.

11 BY MR. BUCHANAN:

12 Q. Okay. Endo has standard
13 operating procedures as a general matter,
14 correct?

15 MR. LIMBACHER: Object to
16 form.

17 THE WITNESS: I'm sure some
18 areas do. I can't speak to those.

19 BY MR. BUCHANAN:

20 Q. Have you seen lists of Endo
21 standard operating procedures?

22 A. No, I don't recall.

23 Q. Would it surprise you,
24 ma'am, that Endo doesn't have standard

1 operating procedures for suspicious order
2 monitoring?

3 MR. LIMBACHER: Object to
4 the form. Argumentative.

5 THE WITNESS: I have the
6 document that we've already
7 reviewed. And we have UPS's
8 document. And we have work
9 instructions within UPS.

10 BY MR. BUCHANAN:

11 Q. The document that we
12 reviewed, could you identify it for the
13 record, just so we understand what you're
14 referring to as Endo's standard operating
15 procedures?

16 MR. LIMBACHER: Object to
17 form.

18 THE WITNESS: The document
19 that's attached to Number 3. It's
20 this one.

21 BY MR. BUCHANAN:

22 Q. What exhibit?

23 MR. LIMBACHER: Exhibit-3.

24 THE WITNESS: Exhibit-3.

1 BY MR. BUCHANAN:

2 Q. Thank you. Let's go to the
3 next page, please.

4 I'm sorry, let's go back to
5 the first page, so we describe it for the
6 record.

7 This is an e-mail exchange
8 that you're having in 2015, I guess it
9 was an e-mail from Mr. Collins to
10 yourself on SOM program, to yourself. I
11 think it says, Hi, Laura, but do you
12 understand that to be referring to you in
13 that e-mail, ma'am?

14 A. Yes.

15 Q. Hi, Laura. Please provide
16 an update on Endo's SOM program, written
17 is fine. Then he asks, Is this a joint
18 Endo/Qualitest program or does each
19 company have its own?

20 Do you see that e-mail?

21 A. Yes.

22 Q. And here is your response,
23 with your summary of the SOM program,
24 approved by legal and Brian Lortie,

1 correct?

2 A. Yes.

3 Q. Who is Brian Lortie?

4 A. At the time, he was -- I
5 don't know his title, but he was over the
6 branded division.

7 Q. Okay. And if we go to the
8 second page, this is the SOM's process
9 flow?

10 A. Yes.

11 Q. And the document that
12 describes your current process with a
13 limited SOM program and the current SAP
14 system, correct, ma'am?

15 MR. LIMBACHER: Object to
16 form. Asked and answered. We
17 covered this document at great
18 length, counsel.

19 THE WITNESS: We've already
20 covered this.

21 BY MR. BUCHANAN:

22 Q. And this is the document
23 you're stating is the standard operating
24 procedure, or something that is

1 functioning as one?

2 MR. LIMBACHER: Object to
3 form.

4 THE WITNESS: This is the
5 document that I have, yes.

6 BY MR. BUCHANAN:

7 Q. It certainly doesn't state
8 standard operating procedure, does it?

9 MR. LIMBACHER: Object to
10 form. The document speaks for
11 itself.

12 BY MR. BUCHANAN:

13 Q. Does it?

14 A. No, it does not.

15 Q. Standard operating
16 procedures within your company have a
17 standard form, correct?

18 MR. LIMBACHER: Object to
19 form. Foundation.

20 THE WITNESS: I can't
21 confirm that.

22 BY MR. BUCHANAN:

23 Q. You've never seen the
24 company's standard operating procedures,

1 ma'am?

2 MR. LIMBACHER: Object to
3 form.

4 THE WITNESS: I've seen
5 some, I'm sure.

6 BY MR. BUCHANAN:

7 Q. Okay.

8 MR. BUCHANAN: Let's pass it
9 over.

10 MR. SIEGEL: Walker-8.

11 - - -

12 (Whereupon, EndoWalker
13 Exhibit-8,
14 ENDO_OPIOID_MDL_05950068, With
15 Attachment was marked for
16 identification.)

17 - - -

18 BY MR. BUCHANAN:

19 Q. I'm passing you, ma'am,
20 what's been marked as Exhibit-8 to your
21 deposition.

22 It's from this 2012 window
23 we were just looking at with regard to
24 the questionnaire. The latest-in-time

1 e-mail is from you to a Mr. Koumou -- or
2 Ms. Koumou, Janice Koumou.

3 Do you see that?

4 MR. LIMBACHER: She doesn't
5 have it yet.

6 Now she's got it.

7 BY MR. BUCHANAN:

8 Q. Do you see the
9 latest-in-time e-mail at the top from
10 yourself to Ms. Connell?

11 She was your boss at the
12 time?

13 A. Jill was, yes.

14 Q. And Janice Koumou, who is
15 she?

16 A. I don't recall who she is.

17 Q. And as you scroll into this,
18 you can see a list of company's various
19 SOPs, 674.7, the top right corner.

20 Do you see those?

21 A. What number again?

22 Q. 674.7, top right corner.

23 A. Yes.

24 Q. And then it lists various

1 SOPs on the left, the titles of the SOPs,
2 and the various departments that are
3 responsible for the SOPs.

4 Do you see those?

5 A. I do.

6 Q. Do you recognize those
7 departments as departments within Endo?

8 A. I recognize those documents.

9 Q. Information management
10 clinical, nonclinical, pharmaceutical
11 development, quality assurance, et
12 cetera.

13 Do you see those?

14 A. I do.

15 Q. And the various titles off
16 to the left, SOP tends to be embedded in
17 the name of the various documents,
18 correct?

19 A. I see it, yes.

20 Q. Just take a moment and
21 review and see, in this listing of SOPs
22 with the company in 2012, whether there
23 are any SOPs for suspicious order
24 monitoring, excessive order management,

1 Know Your Customer, Know Your Customer's
2 Customer, things like that.

3 MR. LIMBACHER: Object to
4 form.

5 THE WITNESS: There's none
6 listed.

7 MR. LIMBACHER: Well, he's
8 not --

9 BY MR. BUCHANAN:

10 Q. To your knowledge, ma'am,
11 are there --

12 MR. LIMBACHER: -- limiting
13 himself to just that one page, I
14 assume.

15 THE WITNESS: I was just
16 looking at this one page.

17 MR. BUCHANAN: Feel free to
18 turn the pages.

19 MR. LIMBACHER: And, I'm
20 sorry, is the representation that
21 this is a complete listing of the
22 Endo SOPs?

23 BY MR. BUCHANAN:

24 Q. You can answer, ma'am.

1 MR. LIMBACHER: I was asking
2 for a representation.

3 MR. BUCHANAN: I cannot
4 represent what's in your internal
5 systems. I only have what you
6 produced to me.

7 MR. LIMBACHER: We don't
8 know if this is a complete listing
9 of the SOPs.

10 MR. BUCHANAN: If you
11 produced them all to me, then I
12 suppose that would be the
13 representation. But I don't know
14 what you chose to produce or not.

15 BY MR. BUCHANAN:

16 Q. Have you had a chance to
17 look at it, ma'am?

18 A. I have.

19 Q. Did you see any SOPs for
20 suspicious order monitoring?

21 MR. LIMBACHER: Object to
22 form.

23 THE WITNESS: None were
24 listed, no.

1 BY MR. BUCHANAN:

2 Q. Did you see any for Know
3 Your Customer?

4 MR. LIMBACHER: Object to
5 form.

6 THE WITNESS: No.

7 BY MR. BUCHANAN:

8 Q. Did you see any for customer
9 due diligence visits?

10 MR. LIMBACHER: Object to
11 form.

12 THE WITNESS: No.

13 BY MR. BUCHANAN:

14 Q. Did you see any for the
15 assessment or utilization of chargeback
16 information --

17 MR. LIMBACHER: Object to
18 form.

19 BY MR. BUCHANAN:

20 Q. -- and evaluating suspicious
21 orders?

22 A. No.

23 Q. If we go to the first page
24 of this document, 674.1, I just wanted to

1 call out, in your exchange with Ms.
2 Koumou, it appears that it's you
3 forwarding this list of documents,
4 correct? There are two files that you
5 forwarded?

6 A. I don't recall this document
7 at all. Just from what you're showing to
8 me.

9 Q. I'm reading the e-mail that
10 was produced to us.

11 Do you see two documents
12 attached, one, customer service 2012
13 curriculum is one item, ma'am?

14 MR. LIMBACHER: Which e-mail
15 are you referring to, counsel?

16 MR. BUCHANAN: It's 674.1.

17 MR. LIMBACHER: But which
18 e-mail on that page?

19 MR. BUCHANAN: It's the
20 latest in time.

21 BY MR. BUCHANAN:

22 Q. Do you see it on the screen,
23 ma'am? It's highlighted for you.

24 A. I see it, yes.

1 Q. Okay. So one of the
2 documents you forwarded was this customer
3 service 2012 curriculum, correct?

4 A. I see that attached, yes.

5 Q. And then the other thing you
6 forwarded was master effective procedural
7 documents as of February 8, 2012,
8 correct?

9 A. Say that again. What do
10 you --

11 Q. The other document that you
12 forwarded was master effective procedural
13 documents as of February 8, 2012,
14 correct?

15 A. February 8th?

16 Q. 2/8/2012?

17 A. I don't see 2/8/2012
18 anywhere.

19 MR. LIMBACHER: He's
20 referring to here.

21 THE WITNESS: Oh, that.

22 BY MR. BUCHANAN:

23 Q. Do you see that?

24 A. I see it, yes.

1 Q. And do you recognize, ma'am,
2 these SOPs and procedural documents that
3 are listed here to be SOPs of the
4 company?

5 A. This is back from 2012. I
6 don't recall if these were effective or
7 not in 2012.

8 Q. Well, certainly, at least
9 the name of the file that you sent in
10 this exchange with Ms. Koumou was, master
11 effective procedural documents as of
12 February 8th, 2012, correct?

13 MR. LIMBACHER: Object to
14 form.

15 THE WITNESS: That's what it
16 says.

17 BY MR. BUCHANAN:

18 Q. And in that list of
19 documents, as of February 8, 2012, you
20 didn't see any SOPs related to suspicious
21 order monitoring, correct?

22 MR. LIMBACHER: Object to
23 form. Asked and answered.

24 THE WITNESS: No.

1 Suspicious order monitoring is not
2 listed here.

3 But I need to remind you all
4 again that back in 2012, UPS had
5 their own SOM program in place,
6 along with UPS -- along with Endo.

7 BY MR. BUCHANAN:

8 Q. And their own host of
9 problems, right?

10 MR. LIMBACHER: Object to
11 form. Argumentative.

12 THE WITNESS: What are you
13 asking?

14 BY MR. BUCHANAN:

15 Q. I said -- you were
16 highlighting UPS.

17 You know they got written up
18 by the DEA, right?

19 MR. LIMBACHER: Object to
20 form. Argumentative.

21 THE WITNESS: I don't know
22 what you're referring to.

23 BY MR. BUCHANAN:

24 Q. Well, we talked about Know

1 Your Customer.

2 How about know your vendor?

3 Did UPS get in trouble with DEA, ma'am?

4 MR. LIMBACHER: Object to
5 form. Foundation.

6 THE WITNESS: I don't know
7 exactly what you are -- what
8 you're referring to.

9 BY MR. BUCHANAN:

10 Q. What are you thinking of
11 when I say that?

12 MR. LIMBACHER: Object to
13 form.

14 THE WITNESS: I believe
15 you're referring to the UPS small
16 package side of the business,
17 which is completely different and
18 separate from the UPS Supply Chain
19 Solutions side of the business.

20 I believe that's what you
21 are referring to.

22 BY MR. BUCHANAN:

23 Q. Did they enter into an
24 agreement with the DEA?

1 MR. LIMBACHER: Object to
2 form.

3 THE WITNESS: I don't know
4 any details about that agreement,
5 if they did or if they didn't.

6 BY MR. BUCHANAN:

7 Q. Were you aware of what was
8 going on with UPS? Were they keeping you
9 aware of the investigation with the DEA?

10 MR. LIMBACHER: Object to
11 form.

12 THE WITNESS: I don't
13 recall.

14 MR. LIMBACHER: And
15 foundation.

16 MR. BUCHANAN: Now is
17 probably as good a time as any.
18 Let's talk about those agreements.

19 BY MR. BUCHANAN:

20 Q. As I understand it, Endo was
21 utilizing UPS -- well, what is LHSI?

22 A. Livingston Healthcare.

23 Q. Did that get acquired by
24 UPS?

1 A. Yes, they did.

2 Q. Endo was using UPS, or that
3 predecessor company, to do order
4 fulfillments since '98, correct?

5 A. We entered into an agreement
6 with them in January of -- sorry, in
7 April of 1999 is when they started.

8 Q. Okay.

9 MR. BUCHANAN: Can I have
10 597, 598 and 600 in sequence,
11 please?

12 MR. SIEGEL: 597 is
13 Exhibit-9. 598 is Exhibit-10.
14 And 600 is Exhibit-11.

15 - - -

16 (Whereupon, EndoWalker
17 Exhibit-9, UPSSCS0002916-935, was
18 marked for identification.)

19 - - -

20 (Whereupon, EndoWalker
21 Exhibit-10, UPSSCS0002991-3029,
22 was marked for identification.)

23 - - -

24 (Whereupon, EndoWalker

1 Exhibit-11,
2 ENDO_OPIOID_MDL_02060862-891, was
3 marked for identification.)

4 - - -

5 MR. BUCHANAN: Can we start
6 with 597 on the screen, please?

7 That's Exhibit-9.

8 BY MR. BUCHANAN:

9 Q. Ma'am, I'm passing you over
10 what's been marked as Exhibit-9 to your
11 deposition. It's an agreement between
12 Endo Pharmaceuticals and Livingston
13 Healthcare Services, Inc.

14 MR. LIMBACHER: She doesn't
15 have it yet, counsel.

16 This is 9, but not 10 and
17 11.

18 MR. BUCHANAN: 9 is what
19 we're referring to.

20 MR. LIMBACHER: You want me
21 to show her 9 now --

22 MR. BUCHANAN: Sure.

23 MR. LIMBACHER: -- because I
24 got 9, 10 and 11.

1 BY MR. BUCHANAN:

2 Q. Do you have before you
3 what's been marked as Exhibit-9, an
4 agreement between Endo Pharmaceuticals
5 and Livingston Healthcare, ma'am?

6 A. I have it.

7 Q. Dated April 1, '99?

8 A. Uh-huh.

9 Q. Have you seen this agreement
10 before?

11 A. I have, yes.

12 Q. And was this the operating
13 agreement at the outset of the formation
14 of Endo with regard to the relationship
15 with Livingston Healthcare Services?

16 MR. LIMBACHER: Object to
17 form.

18 THE WITNESS: I believe so.
19 It was at the time.

20 BY MR. BUCHANAN:

21 Q. Do you recognize this as the
22 earliest operative agreement between Endo
23 Pharmaceuticals and Livingston Healthcare
24 Services, which was later acquired by

1 MR. BUCHANAN: Can you go a
2 few more minutes, just so I can
3 finish this?

4 MR. LIMBACHER: Are you okay
5 for a few more minutes?

6 THE WITNESS: Yes.

7 BY MR. BUCHANAN:

8 Q. And then it says, The CMA
9 will release the excessive order based on
10 one of the following excessive release
11 codes.

12 Right?

13 A. Yes, that was in our old
14 system.

15 Q. And these were the
16 documents -- this was the documentation
17 you would log into the system, 8050,
18 release due to growth factor, right?

19 A. Yes.

20 Q. Customer tells you they're
21 selling more, release it --

22 MR. LIMBACHER: Object to
23 form.

24 BY MR. BUCHANAN:

1 Q. -- right?

2 A. We had our program in place,
3 and we reviewed them and we released
4 them, yes.

5 Q. And then let's go to
6 4.3.7.9. Endo's associate director of
7 customer service and distribution
8 reserves the right to reduce the quantity
9 ordered and/or advise the deletion of an
10 order.

11 Do you see that?

12 A. Yes, I see it.

13 Q. Is that you?

14 A. Yes, it was at the time.

15 Q. So you could structure an
16 order if it was excessive?

17 A. I could what?

18 Q. You could reduce the size of
19 an order so it stayed below an excessive
20 threshold and then still ship?

21 MR. LIMBACHER: Object to
22 form.

23 THE WITNESS: No, I don't
24 believe that's what that says.

1 BY MR. BUCHANAN:

2 Q. Does it say you had the
3 right to reduce the quantity ordered
4 and/or advise the deletion of an order?

5 A. If we deemed it suspicious
6 and we didn't want to ship it, yes. But
7 I don't recall us ever doing that.

8 Q. Okay. You don't recall ever
9 reducing the size of an order to allow it
10 to ship?

11 A. No, I do not.

12 MR. LIMBACHER: Object to
13 form.

14 BY MR. BUCHANAN:

15 Q. Do you have an understanding
16 as to whether that would be appropriate
17 or not, ma'am?

18 MR. LIMBACHER: Object to
19 form.

20 THE WITNESS: We had an
21 excessive program in place that
22 monitored our orders, and we would
23 review and release.

24 BY MR. BUCHANAN:

1 Q. Was it your understanding,
2 ma'am, that it was permissible for you to
3 reduce the size of the order so that it
4 would no longer be excessive in the
5 shipment and then clear it?

6 A. I don't recall that.

7 MR. LIMBACHER: Object to
8 form.

9 BY MR. BUCHANAN:

10 Q. My question is, is it your
11 understanding that that would be
12 appropriate to do that?

13 A. I don't recall.

14 Q. In fact, did you later
15 learn, ma'am, that if you had done such a
16 thing that that would, in fact, be
17 something that you would have to report
18 to the DEA?

19 MR. LIMBACHER: Object to
20 form.

21 THE WITNESS: I don't
22 recall. We had excessive programs
23 in place and so did UPS, and our
24 orders were monitored and they

1 were shipped as appropriate,
2 between both the companies and
3 both our systems and both our
4 programs.

5 BY MR. BUCHANAN:

6 Q. And if you had cut an order
7 and hadn't reported it to the DEA, that
8 would not be appropriate, would it,
9 ma'am?

10 MR. LIMBACHER: Object to
11 form. Foundation.

12 THE WITNESS: I don't
13 recall.

14 BY MR. BUCHANAN:

15 Q. If you had an order that was
16 excessive, in order to make it not
17 excessive as to quantity, as to size, as
18 to frequency, you had to reduce its size
19 or reduce the quantity, that would be
20 something you would have to report to the
21 DEA, right?

22 MR. LIMBACHER: Object to
23 form. Asked and answered.

24 THE WITNESS: We had an

1 excessive program in place and UPS
2 had an SOM program in place, and
3 orders were filtered through both
4 programs and reviewed and shipped
5 as necessary.

6 And I don't recall an order
7 being deemed as suspicious and
8 reported to the DEA.

9 BY MR. BUCHANAN:

10 Q. Do you recall ever cutting
11 an order in size, ma'am --

12 A. No, I do not.

13 Q. -- so it was no longer
14 excessive in size?

15 A. No, I do not.

16 MR. LIMBACHER: Object to
17 form. Asked and answered.

18 THE WITNESS: I do not
19 recall.

20 BY MR. BUCHANAN:

21 Q. Do you recall ever
22 authorizing people on your staff to cut
23 the size of an order so that it was no
24 longer excessive?

1 A. No.

2 MR. LIMBACHER: Object to
3 form. Asked and answered.

4 BY MR. BUCHANAN:

5 Q. Would that be appropriate to
6 do, ma'am?

7 MR. LIMBACHER: Object to
8 form. Asked and answered.

9 THE WITNESS: We had an
10 excessive program in place, at
11 both Endo and at UPS.

12 BY MR. BUCHANAN:

13 Q. How is that responsive to my
14 question?

15 A. I'm telling you what we had
16 in place.

17 Q. I'm not asking you that.

18 A. Well, that's what I'm
19 telling you.

20 Q. I'm asking you -- the way
21 this works is we have questions and
22 answers. I think you understand that by
23 this point in time.

24 My question to you, ma'am,

1 is, to your understanding, would it be
2 appropriate for a company to cut -- for
3 you, in your role in suspicious order
4 monitoring, to cut an order in size that
5 had been flagged as excessive and then
6 ship it once it's no longer excessive and
7 not report that to the DEA?

8 MR. LIMBACHER: Object to
9 form.

10 THE WITNESS: I don't
11 recall.

12 MR. BUCHANAN: We can take a
13 break.

14 VIDEO TECHNICIAN: We are
15 going off record. The time is
16 2:36.

17 - - -

18 (Whereupon, a brief recess
19 was taken.)

20 - - -

21 VIDEO TECHNICIAN: We're
22 back on the record. Beginning of
23 Media File Number 6. The time is
24 2:54.

1 MR. BUCHANAN: Can I have
2 659, please, Scott, next in order?

3 MR. SIEGEL: 659 is being
4 marked as Walker-14.

5 - - -

6 (Whereupon, EndoWalker
7 Exhibit-14,
8 ENDO_OPIOID_MDL_05948106-137, was
9 marked for identification.)

10 - - -

11 BY MR. BUCHANAN:

12 Q. I'm passing you, ma'am,
13 what's been marked as Exhibit-14 to your
14 deposition.

15 It's an e-mail exchange.
16 I'm going to direct you to one of the
17 constituent e-mails. It looks like this
18 was kind of assembled as a compilation of
19 some form.

20 I'm going to direct your
21 attention to .27, top right corner. It's
22 an e-mail from yourself --

23 A. Sorry, you said 27?

24 Q. .27, yes, top right corner.

1 It's an e-mail from yourself
2 to Kayla Keinhofer, Robert Stuart and
3 Doug Azzalina and a couple of ccs on
4 there.

5 Do you see that?

6 A. Yes.

7 Q. And it's referring to an
8 interaction that you had with McKesson in
9 2009 relating to the shipment or
10 nonshipment of orders.

11 Do you recall that?

12 A. I'm sorry, I was reading the
13 document.

14 Can you please repeat that.

15 Q. Sure. It's recalling to
16 certain McKesson service level penalties?

17 A. Okay, yes.

18 Q. In your agreement with
19 McKesson, were you required to ship a
20 minimum percentage of their order,
21 regardless?

22 MR. LIMBACHER: Object to
23 form.

24 THE WITNESS: This is back

1 from 2010. I don't recall. I
2 would have to look at the actual
3 document.

4 BY MR. BUCHANAN:

5 Q. Let's read the e-mail,
6 Monday, May 10, 2010.

7 As we discussed last week
8 during our meeting, attached is the list
9 of POs that McKesson ordered during the
10 last two weeks in December. This
11 spreadsheet lists the PO number, order
12 quantity, ship quantity and dates. I
13 know within the agreement there is
14 language around us shipping at least 20
15 percent of their order quantities. I'm
16 not sure of the exact language.

17 Did I read that correctly,
18 ma'am?

19 A. Yes.

20 Q. Are you familiar with
21 service level agreements you had with
22 various of your distributors over time?

23 A. I know the generic side of
24 the business had service level

1 bit the obligation, under the Controlled
2 Substances Act, to maintain effective
3 controls against diversion.

4 Do you recall our discussion
5 on that?

6 MR. LIMBACHER: Object to
7 form.

8 THE WITNESS: Yes.

9 BY MR. BUCHANAN:

10 Q. Do you recall your
11 acknowledgment that that was your
12 understanding, that if somebody is
13 selling controlled substances, you, in
14 fact, had that obligation?

15 MR. LIMBACHER: Object to
16 form.

17 THE WITNESS: Right. And I
18 think I explained what my
19 obligation was. And there was
20 other parts of the company and
21 their obligations that I can't
22 speak to.

23 BY MR. BUCHANAN:

24 Q. So here we are in 2011.

1 And, again, a statement about your
2 product, Opana, and misuse and diversion,
3 saying it was the next OxyContin
4 epidemic.

5 Do you see that?

6 A. I see it in the e-mail,
7 sure.

8 Q. Was that brought to your
9 attention by anybody within Endo?

10 A. No. This e-mail was not
11 brought to my attention.

12 Q. So those within Endo,
13 whoever was told that, didn't share that
14 with you?

15 MR. LIMBACHER: Object to
16 form.

17 THE WITNESS: Not that I
18 recall, no.

19 BY MR. BUCHANAN:

20 Q. And we can see this
21 reference further below from a Mr. --
22 excuse me, Dr. Silverman, MD, that, I am
23 at the ASIFF national meeting in DC,
24 lecture on prescription drug abuse by

1 director of abuse section, DEA. He says
2 Opana is the next OxyContin epidemic. He
3 says watch out for this drug.

4 Did I read that correctly?

5 A. That's what it says in the
6 e-mail.

7 Q. And that drug would have
8 been one of those drugs that you were
9 clearing orders for year after year after
10 year, at least in the Exhibit-1 that we
11 looked at, correct?

12 MR. LIMBACHER: Object to
13 form.

14 THE WITNESS: So if I can
15 remind you, I'm shipping to
16 wholesalers. I'm not shipping to
17 retail pharmacies. I'm shipping
18 to wholesalers. And these orders
19 have gone through multiple SOM
20 programs at Endo and at UPS.

21 BY MR. BUCHANAN:

22 Q. Okay. In terms of the Know
23 Your Customer's Customer program, ma'am,
24 can you please describe the Know Your

1 Customer's Customer program that Endo had
2 in 2011?

3 MR. LIMBACHER: Object to
4 form and foundation.

5 THE WITNESS: I can't recall
6 what we did back in 2011.

7 BY MR. BUCHANAN:

8 Q. Didn't have a Know Your
9 Customer's Customer program in 2011, did
10 you, ma'am?

11 MR. LIMBACHER: Object to
12 form and foundation.

13 THE WITNESS: I can't recall
14 that.

15 BY MR. BUCHANAN:

16 Q. And your customer's
17 customer, in the case of wholesale
18 customers, would be the very pharmacies
19 that you were just referring to, correct?

20 MR. LIMBACHER: Object to
21 form and foundation.

22 THE WITNESS: If that's who
23 the customers are. I can't -- I
24 can't -- I don't know who their

1 customers are.

2 BY MR. BUCHANAN:

3 Q. Let's talk about Opana ER.

4 Opana ER is reformulated and
5 comes to market in 2011, right? That was
6 your recollection at least earlier today.
7 Good enough for our conversation?

8 A. Sure. Some time in 2012.

9 Q. It's on the market for
10 several years.

11 And you know there's some
12 safety issues that arise with that drug,
13 right?

14 MR. LIMBACHER: Object to
15 form.

16 THE WITNESS: There's
17 benefits to Opana. And there are
18 safety issues with any opioid
19 medication.

20 BY MR. BUCHANAN:

21 Q. Okay. And doctors are still
22 prescribing the reformulated Opana ER
23 today?

24 MR. LIMBACHER: Object to

1 form and foundation.

2 THE WITNESS: I can't speak
3 to what doctors are doing.

4 BY MR. BUCHANAN:

5 Q. Well, we know you withdrew
6 it from the market, right?

7 MR. LIMBACHER: Object to
8 form. Misstates the evidence.

9 THE WITNESS: I can't --
10 that's not part of my
11 responsibility. That's somebody
12 else at Endo that worked with the
13 FDA on it.

14 BY MR. BUCHANAN:

15 Q. Do you have that -- it's not
16 a matter of whose responsibility it is,
17 for the moment.

18 Do you have an awareness,
19 ma'am, that in 2017, the FDA said the
20 risks outweigh the benefits and asked you
21 to withdraw the drug?

22 MR. LIMBACHER: Object to
23 form.

24 THE WITNESS: I know that

1 Endo withdrew the product from the
2 market, yes.

3 BY MR. BUCHANAN:

4 Q. So Endo was told by the FDA
5 that the risks outweighed the benefit for
6 the product, right?

7 MR. LIMBACHER: Object to
8 form and foundation.

9 THE WITNESS: I don't know
10 that. I don't know what decisions
11 were made at Endo and who they
12 talked to, as to why it was
13 withdrew from the market.

14 I just know that it was
15 withdrawn from the market.

16 MR. BUCHANAN: Can I have
17 734, please?

18 BY MR. BUCHANAN:

19 Q. Did you keep abreast of
20 these kind of reports on the street about
21 Opana being prone to abuse and misuse and
22 diversion? Were you following news
23 reports, I mean, from the Philadelphia
24 office of the DEA?

1 MR. LIMBACHER: Object to
2 form.

3 THE WITNESS: I knew that
4 there was an opioid epidemic. But
5 there's other people within Endo
6 that would -- I would assume that
7 would follow that. It's not my
8 area of responsibility.

9 BY MR. BUCHANAN:

10 Q. Your area of responsibility
11 included suspicious order monitoring,
12 fair?

13 A. For shipments to our
14 wholesalers.

15 Q. Right. And it's fair, if
16 you didn't clear those orders, they
17 wouldn't leave, right?

18 A. Yes.

19 Q. Okay. So in order for those
20 drugs to get to the street, they had to
21 leave the manufacturers, right?

22 MR. LIMBACHER: Object to
23 form.

24 THE WITNESS: I had

1 shipments to the wholesalers.

2 After that is not my

3 responsibility.

4 BY MR. BUCHANAN:

5 Q. So your position, ma'am, is

6 Endo had no responsibility to the

7 customers -- to evaluate the customers of

8 Endo's customers?

9 A. Endo had other --

10 MR. LIMBACHER: Object to

11 form. Misstates her testimony.

12 Nice try, counsel.

13 BY MR. BUCHANAN:

14 Q. Please answer the question.

15 A. There's other departments

16 within Endo that reviewed or potentially

17 had, you know, reviewed suspicious order

18 monitoring or the abuse out there. That

19 was not me.

20 Q. What other department within

21 Endo was clearing suspicious orders,

22 ma'am?

23 MR. LIMBACHER: Object to

24 form. Misstates her testimony.

1 THE WITNESS: Do I answer
2 that?

3 I do.

4 BY MR. BUCHANAN:

5 Q. You do.

6 A. But there's other areas
7 within Endo --

8 Q. Okay. And in terms of
9 clearing -- identifying suspicious orders
10 and releasing held orders, that was the
11 responsibility within your group,
12 correct?

13 A. To shipments to wholesalers.
14 How can --

15 Q. Do you have my question?

16 A. Pardon?

17 Q. Do you have my question,
18 ma'am?

19 A. Yes, I have your question.
20 And I answered your question.

21 Q. Let's stay with it, then.
22 In terms of identifying,
23 clearing, releasing suspicious orders,
24 that was a responsibility of your group,

1 correct?

2 MR. LIMBACHER: Object to
3 form.

4 THE WITNESS: As I explained
5 throughout the entire day today --

6 BY MR. BUCHANAN:

7 Q. Is that a yes?

8 A. As I have explained --

9 MR. LIMBACHER: Let her
10 finish her answer.

11 THE WITNESS: -- throughout
12 the entire day --

13 MR. LIMBACHER: She hasn't
14 interrupted you.

15 THE WITNESS: -- throughout
16 the entire day today, Endo had
17 their own SOM program. UPS Supply
18 Chain Solutions, our 3PL partner,
19 had their own SOM program.

20 Both -- orders were -- flow
21 through both programs before they
22 were shipped.

23 BY MR. BUCHANAN:

24 Q. Okay.

1 different product -- or a different NDC
2 number, correct?

3 A. Yes.

4 Q. Scrolling to the right, what
5 does PLNT stand for?

6 A. Plant. That's the
7 distribution center, 0020 means Memphis.

8 Q. And that would be the UPS
9 facility where all orders were shipped
10 from?

11 A. For the opioids, yes.

12 Q. We have a net value.

13 Would the financial kind of
14 values be something you dealt with in
15 your day-to-day business, ma'am, the net
16 value of a given order? Is that just --
17 is that something that's coming out of
18 the accounting function?

19 MR. LIMBACHER: Object to
20 form.

21 THE WITNESS: That's coming
22 out of -- that's coming off the
23 order.

24 BY MR. BUCHANAN:

1 Q. Okay. Do you have
2 visibility to that in your day-to-day
3 job? You can see what the net value and
4 the gross value is of orders?

5 A. It's listed --

6 MR. LIMBACHER: Object to
7 form.

8 THE WITNESS: It's listed on
9 the order, yes.

10 BY MR. BUCHANAN:

11 Q. Order quantity, ma'am, is
12 that quantity of the 60 count, or is that
13 in dosage units?

14 A. That's the selling unit. So
15 it's a 60-count bottle.

16 Q. And then we see confirmed
17 quantity on the right.

18 Do you see that?

19 A. Uh-huh.

20 Q. And that would be the
21 quantity you actually shipped, right?

22 A. Yes.

23 Q. What we have -- I'm sorry,
24 we see on the left, order quantity.

1 Immediately to the right of that, we see
2 cumulative confirmed quantity.

3 Is that how you understand
4 that abbreviation?

5 A. That's just an SAP term.
6 It's the confirmed quantity. Order
7 quantity is what the customer ordered,
8 and the confirmed quantity is what was
9 committed on the order to ship.

10 Q. Well, then we see to the
11 right, Ship to party.

12 Do you see that?

13 A. Yes.

14 Q. Is that a quantity or is
15 that an address of where the stuff is
16 going?

17 A. It's the ship-to party for
18 the address of who is receiving the
19 product. It's an internal SAP number.

20 MR. BUCHANAN: So if we
21 scroll to the left, please. I'm
22 sorry, can you go to the left? A
23 little further. I just want to
24 identify.

1 BY MR. BUCHANAN:

2 Q. So we see it's sold to Smith
3 Drug Company, and on the right would be
4 the actual shipping address of Smith Drug
5 Company? I'm sorry, the top line.

6 A. That's correct. You have a
7 sold to for the sold to location of the
8 wholesaler. And then the ship to is who
9 is supposed to be getting the product for
10 that customer, for that wholesaler.

11 Q. Smith Drug Company is a
12 wholesaler?

13 A. They are, yes.

14 MR. BUCHANAN: Let's go to
15 the right.

16 BY MR. BUCHANAN:

17 Q. And we have the address
18 where it was shipped.

19 MR. BUCHANAN: Keep
20 scrolling. And I think that
21 encompasses all of our fields.
22 Great.

23 BY MR. BUCHANAN:

24 Q. Does this system, which I

1 understand to be an SOM audit trail,
2 identify the reason the order was held or
3 appended?

4 MR. LIMBACHER: Object to
5 form.

6 THE WITNESS: There is
7 details behind this as to why it
8 was held by order size or
9 frequency, yes, or class of trade,
10 benchmark.

11 BY MR. BUCHANAN:

12 Q. So you can see the
13 particular reason it tripped the wire?

14 A. Yes. It gives you the data
15 as to why it was flagged.

16 Q. In your SAP system?

17 A. Yes.

18 Q. Okay. All right. Ma'am,
19 you can set that aside.

20 I guess, just so the record
21 is clear, you can identify the order from
22 or the ship to state using that same
23 chart, correct, of the customer?

24 A. Yes. It gives you who the

1 customer is and which DC it's shipping
2 to.

3 Q. Great. Thank you.

4 MR. BUCHANAN: Scott, what
5 was the exhibit number we marked
6 734 as before the break?

7 MR. SIEGEL: 23.

8 MR. BUCHANAN: I'm passing
9 you Exhibit-23, ma'am.

10 BY MR. BUCHANAN:

11 Q. Do you recall before the
12 break we were talking about Opana ER.

13 And in 2017, do you recall
14 the FDA requesting the company to remove
15 Opana ER from the market, correct?

16 A. Yes.

17 Q. First paragraph states,
18 Today the U.S. Food and Drug
19 Administration requested that Endo
20 Pharmaceuticals remove its opioid pain
21 medication, reformulated Opana ER, from
22 the market. After careful consideration,
23 the agency is seeking removal based on
24 its concern that the benefits of the drug

1 may no longer outweigh the risks.

2 Do you see that, ma'am?

3 A. Yes.

4 Q. Is that your recollection of
5 what happened in the summer of 2017?

6 A. I know the FDA made a
7 request for us to remove Opana.

8 Q. Okay.

9 MR. BUCHANAN: Could we
10 have, please, 646?

11 BY MR. BUCHANAN:

12 Q. So they request in June that
13 the company remove Opana ER reformulated
14 from the markets, correct?

15 A. Uh-huh.

16 Q. Did you continue selling it
17 after that?

18 MR. LIMBACHER: Object to
19 form. Foundation.

20 THE WITNESS: The company
21 worked with the FDA and a decision
22 was made, we sold it through
23 August 31st of '17.

24 BY MR. BUCHANAN:

1 Q. So you kept selling it after
2 the request from the FDA to withdraw it
3 from the market?

4 A. I know that --

5 MR. LIMBACHER: Object to
6 form and foundation.

7 THE WITNESS: I know that
8 Endo worked with the FDA on a
9 cease distribution date, and it
10 was August 31st, 2017. I don't
11 know the decisions behind that
12 date, but I know that our ship
13 date was August 31st.

14 BY MR. BUCHANAN:

15 Q. Do you remember trying to
16 blow it out?

17 MR. LIMBACHER: Object to
18 form.

19 BY MR. BUCHANAN:

20 Q. Going out of business
21 pricing?

22 MR. LIMBACHER: Object to
23 form.

24 THE WITNESS: No.

1 BY MR. BUCHANAN:

2 Q. So in June of 2017, the FDA
3 requests Endo to withdraw Opana ER from
4 the market, correct?

5 A. Yes.

6 Q. The company doesn't
7 immediately withdraw it from the market,
8 right?

9 MR. LIMBACHER: Object to
10 form.

11 THE WITNESS: I know that
12 the company worked with the FDA on
13 the -- an agreed-upon cease
14 shipping date was determined, and
15 that was August 31st.

16 BY MR. BUCHANAN:

17 Q. Okay.

18 A. There are benefits to Opana,
19 so we had to ensure that patients that
20 are using it correctly continue therapy
21 until they moved to a different therapy.

22 Q. Do you recall the statements
23 of the FDA that the benefits no longer
24 outweighed the risks of Opana?

1 MR. LIMBACHER: Object to
2 form.

3 THE WITNESS: All I can tell
4 you is that Endo worked with the
5 FDA, and the agreed-upon cease
6 shipping date was August 31st,
7 2017.

8 BY MR. BUCHANAN:

9 Q. Do you recall when the
10 company went and talked to the FDA, I
11 guess it was a teleconference, in July of
12 2017, that the FDA once again said that
13 the benefits no longer outweighed the
14 risks of Opana ER? Do you recall that,
15 ma'am?

16 MR. LIMBACHER: Object to
17 form and foundation.

18 THE WITNESS: I don't know
19 the outcome of that
20 teleconference. I don't know
21 anything that went into that.

22 BY MR. BUCHANAN:

23 Q. But as a factual matter, the
24 company continued to ship the product --

1 MR. LIMBACHER: Object to
2 form.

3 BY MR. BUCHANAN:

4 Q. -- until the end of August;
5 is that correct?

6 MR. LIMBACHER: Object to
7 form. Asked and answered.

8 THE WITNESS: All I can tell
9 you is I know that the -- Endo and
10 FDA agreed that August 31st, 2017
11 was going to be our last shipping
12 date. I don't know the details
13 behind that date. I don't know
14 what went into it. I can just
15 tell you that was my last shipping
16 date.

17 MR. BUCHANAN: Did we pass
18 it over, Scott?

19 MR. SIEGEL: This is being
20 marked as Exhibit-25.

21 - - -

22 (Whereupon, EndoWalker

23 Exhibit-25,

24 ENDO_OPIOID_MDL_02062332-333, was

1 marked for identification.)

2 - - -

3 BY MR. BUCHANAN:

4 Q. So this is an interaction
5 you're having, ma'am, after, I guess,
6 being alerted -- well, this is later in
7 time, right?

8 This is June 12, 2017. This
9 would be after you got word of the FDA
10 requesting the withdrawal of Opana ER
11 from the market.

12 Do you recall that?

13 A. Uh-huh.

14 Q. Do you recall that?

15 A. I'm sorry, the question? I
16 was reading the e-mail so I can get up to
17 speed.

18 Say that again, please.

19 Q. Do you recall that after,
20 what was it, early June 2017, the FDA
21 requested the withdraw of Opana ER from
22 the market?

23 A. Yes.

24 Q. And you recall -- I guess

1 you were dealing and interacting with
2 various wholesalers, right?

3 MR. LIMBACHER: Object to
4 form.

5 THE WITNESS: Yes.

6 BY MR. BUCHANAN:

7 Q. We're looking here at --

8 MR. BUCHANAN: What did we
9 say this was, 26?

10 MR. SIEGEL: 25.

11 BY MR. BUCHANAN:

12 Q. 25, you're having some
13 interaction with Cardinal and McKesson
14 and with ABC, right?

15 A. Yes.

16 Q. Cardinal was looking into
17 what they were going to do, whether they
18 were going to continue to purchase this
19 drug that had been requested to be
20 withdrawn from the market, right?

21 MR. LIMBACHER: Object to
22 form.

23 THE WITNESS: Our
24 wholesalers were waiting for

1 direction from Endo as to what we
2 were going to do after the FDA
3 made that announcement.

4 BY MR. BUCHANAN:

5 Q. And on June 12, I guess, you
6 talked to ABC. Is that
7 AmerisourceBergen, ma'am?

8 A. Yes, it is.

9 Q. And you write, We talked to
10 ABC and it's business as usual until they
11 hear direction from Endo.

12 Is that right?

13 A. Correct.

14 Q. Business as usual, they're
15 going to continue to buy?

16 MR. LIMBACHER: Object to
17 form.

18 THE WITNESS: Right. Until
19 Endo made a decision of what we
20 were going to do.

21 BY MR. BUCHANAN:

22 Q. And you talked to McKesson,
23 and McKesson was also saying shipping and
24 business as usual with regard to this

1 drug that the FDA had said the benefits
2 no longer outweigh the risks; is that
3 right?

4 MR. LIMBACHER: Object to
5 form.

6 THE WITNESS: That's what
7 the FDA said, yes. But Endo
8 continued to ship.

9 BY MR. BUCHANAN:

10 Q. Yeah. They did.

11 And they shipped until the
12 end of August 2017, right?

13 MR. LIMBACHER: Object to
14 form. Asked and answered multiple
15 times.

16 THE WITNESS: I know that
17 date was agreed upon between Endo
18 and the FDA.

19 BY MR. BUCHANAN:

20 Q. You shipped \$50 million
21 worth of Opana ER after the FDA told you
22 that the benefits no longer outweigh the
23 risks, right?

24 A. I can't --

1 MR. LIMBACHER: Object to
2 form. Foundation.

3 THE WITNESS: I can't
4 confirm the dollar value. I don't
5 know.

6 BY MR. BUCHANAN:

7 Q. Do you remember discounting
8 Opana ER to blow it out?

9 MR. LIMBACHER: Object to
10 form. Foundation.

11 BY MR. BUCHANAN:

12 Q. In August of 2017, having
13 special programs with your wholesalers
14 for this drug for which the benefits no
15 longer outweighed the risk?

16 MR. LIMBACHER: Object to
17 form. Foundation.

18 THE WITNESS: I know that we
19 had to stop shipping on August
20 31st, 2017.

21 And there are benefits to
22 Opana.

23 BY MR. BUCHANAN:

24 Q. Not that are outweighed --

1 not that outweigh the risks, that's what
2 you were told, right?

3 MR. LIMBACHER: Object to
4 form.

5 THE WITNESS: That's what
6 the FDA stated.

7 BY MR. BUCHANAN:

8 Q. Right.

9 MR. BUCHANAN: Can I please
10 have 645?

11 MR. SIEGEL: 645 is being
12 marked as Exhibit-26.

13 - - -

14 (Whereupon, EndoWalker
15 Exhibit-26,
16 ENDO_OPIOID_MDL_01681499-501, was
17 marked for identification.)

18 - - -

19 BY MR. BUCHANAN:

20 Q. I'm passing you what has
21 been marked as Exhibit-26 to your
22 deposition, ma'am.

23 We're at the end of August
24 2017. You send an e-mail out to several

1 colleagues at UPS talking about the Opana
2 transition, right?

3 A. Uh-huh.

4 Q. Do you recall this e-mail,
5 ma'am?

6 MR. LIMBACHER: Take your
7 time and read the document.

8 BY MR. BUCHANAN:

9 Q. Do you recall this e-mail,
10 ma'am?

11 A. I do.

12 Q. So August 22nd, 2017 would
13 be the earliest in time. It's the bottom
14 of the first page.

15 You note there's going to be
16 a lot of information that you're going to
17 outline below, and you then set forth
18 various categories of information, fair?

19 A. Yes.

20 Q. Okay. Orders, Some
21 wholesalers are participating in a
22 transition program in which they can
23 purchase certain inventory to ensure
24 patients have enough during this period.

1 Did I read that correctly?

2 A. Yes, you did.

3 Q. Yeah. You have alerted the
4 UPS SOM team about this program as the
5 orders will be larger than normal, right?

6 A. Uh-huh.

7 Q. Is that right?

8 A. Yes.

9 Q. There is a promotion set up
10 in SAP that will need to be applied to
11 the orders.

12 Do you recall that?

13 A. That's what you're stating,
14 yes.

15 Q. Well, that's what you wrote,
16 right?

17 A. Yes.

18 Q. Okay. And what you were
19 doing is you were giving these
20 distributors 20 percent off, right?

21 MR. LIMBACHER: Object to
22 form.

23 THE WITNESS: I believe it
24 was something like that, yes.

1 BY MR. BUCHANAN:

2 Q. 20 percent off on a drug
3 that the benefits no longer outweigh the
4 risks, that you're pushing out the door
5 in the last two weeks of August 2017
6 before the cutoff, do I understand that
7 correctly?

8 MR. LIMBACHER: Object to
9 form.

10 THE WITNESS: But there are
11 patients that use this product and
12 need this product, and we wanted
13 to ensure there was enough out
14 there for these patients during
15 the transition period so they can
16 work with their healthcare
17 provider to go on to some type of
18 other therapy.

19 BY MR. BUCHANAN:

20 Q. Getting back to my question,
21 ma'am, do I have correctly what, in fact,
22 you were doing at the end of August of
23 2017?

24 MR. LIMBACHER: Object to

1 form. I think she answered your
2 question.

3 THE WITNESS: I answered
4 your question. That's what we
5 were doing. We were shipping
6 these orders to ensure that
7 patients that needed this product
8 had enough during the transition
9 period so they could work with
10 their healthcare provider to go on
11 a different therapy.

12 BY MR. BUCHANAN:

13 Q. 20 percent off?

14 A. I -- that was --

15 MR. LIMBACHER: Object to
16 form.

17 THE WITNESS: I had nothing
18 to do with that.

19 BY MR. BUCHANAN:

20 Q. Is that a true statement, 20
21 percent off?

22 A. I think there was 20 percent
23 off. But that has nothing to do with me.
24 I don't make those decisions --

1 Q. 20 percent off --

2 MR. LIMBACHER: Object to
3 form.

4 BY MR. BUCHANAN:

5 Q. -- blowing the inventory out
6 to your wholesale customers, right?

7 MR. LIMBACHER: Object to
8 form.

9 THE WITNESS: We were not
10 blowing inventory out to our
11 customers. We wanted to ensure
12 there was enough on the market so
13 patients had enough during this
14 transition period.

15 BY MR. BUCHANAN:

16 Q. In fact, ma'am, you told the
17 FDA, in the summer of 2017, you were
18 going to stop producing Opana then,
19 right?

20 MR. LIMBACHER: Object to
21 form.

22 BY MR. BUCHANAN:

23 Q. Stop making it --

24 MR. LIMBACHER: Are you

1 suggesting --

2 BY MR. BUCHANAN:

3 Q. -- in July of 2017?

4 MR. LIMBACHER: -- that Mrs.
5 Walker --

6 BY MR. BUCHANAN:

7 Q. Are you aware of that?

8 MR. LIMBACHER: -- made that
9 representation?

10 BY MR. BUCHANAN:

11 Q. Are you aware of that?

12 MR. LIMBACHER: Aware of
13 what? What is the question?

14 MR. BUCHANAN: If you would
15 stop stepping on my question, you
16 can read it.

17 MR. LIMBACHER: I object to
18 the form of your question,
19 because --

20 BY MR. BUCHANAN:

21 Q. Go ahead, you can answer.

22 MR. LIMBACHER: -- it's
23 vague and unclear who you're
24 talking about.

1 THE WITNESS: Clarify your
2 question, please.

3 BY MR. BUCHANAN:

4 Q. Are you aware the company
5 represented to the FDA it was going to
6 stop making it in July of 2017?

7 MR. LIMBACHER: Object to
8 form and foundation.

9 BY MR. BUCHANAN:

10 Q. Stop making it then.

11 A. We did stop making it. We
12 did not make any more product.

13 Q. So what you were doing,
14 then, at the end of the August of 2017
15 was blowing out your excess inventory for
16 20 percent off?

17 MR. LIMBACHER: Object to
18 form and foundation.

19 THE WITNESS: No. We were
20 not.

21 MR. LIMBACHER: Asked and
22 answered.

23 BY MR. BUCHANAN:

24 Q. Is it not true that you

1 offered a 20 percent discount on this
2 drug that the FDA had asked you to
3 withdraw from the market in June of 2017?
4 Is that true that you were doing that,
5 ma'am?

6 MR. LIMBACHER: Object to
7 form. Foundation. Asked and
8 answered multiple times.

9 THE WITNESS: I do not make
10 the decisions around any type of
11 promotion with our customers.

12 All I -- may I finish,
13 please?

14 All I can tell you is we --

15 MR. LIMBACHER: You can
16 finish.

17 THE WITNESS: All I can tell
18 you is we wanted to ensure that
19 there was enough inventory at the
20 pharmacies for patients as a
21 transition through this period as
22 they worked with a healthcare
23 provider to go on a different
24 therapy.

1 BY MR. BUCHANAN:

2 Q. Special offering for your
3 wholesalers, 20 percent discount on
4 Opana, before you voluntarily withdraw it
5 from the market on September 1, 2017;
6 that's what the company did, right?

7 MR. LIMBACHER: Object to
8 form. Foundation. I don't know
9 what document you're reading from,
10 counsel.

11 BY MR. BUCHANAN:

12 Q. Is that true?

13 MR. LIMBACHER: Object to
14 form. Foundation.

15 THE WITNESS: I know that
16 there --

17 MR. LIMBACHER: Asked and
18 answered.

19 THE WITNESS: I don't make
20 the decisions around the offering
21 that was made. That was not my
22 decision.

23 BY MR. BUCHANAN:

24 Q. I just want to make sure the

1 record is not fuzzy.

2 As a factual matter, are you
3 aware that two weeks before you were
4 scheduled to withdraw Opana ER from the
5 market, you offered your wholesalers a 20
6 percent discount on Opana ER? Are you
7 aware of that?

8 A. Yes, I am.

9 MR. LIMBACHER: Object to
10 form. Foundation.

11 MR. BUCHANAN: Can I have,
12 please, 756?

13 MR. SIEGEL: Being marked as
14 Exhibit-27.

15 - - -

16 (Whereupon, EndoWalker
17 Exhibit-27,
18 ENDO_OPIOID_MDL_02290107-110, was
19 marked for identification.)

20 - - -

21 BY MR. BUCHANAN:

22 Q. I'm passing you, ma'am,
23 what's been marked as Exhibit-27 to your
24 deposition.

1 It's an e-mail exchange
2 beginning August 17th, 2017, right?

3 A. Yes.

4 Q. It's going from a Mary Jo
5 Magrone to Sal Grausso.

6 He was your boss at that
7 point in time?

8 A. He was.

9 Q. Still is?

10 A. Yes.

11 Q. E-mail going to him and
12 others. It says, Dear branded pricing
13 committee.

14 Do you see that?

15 A. I do.

16 Q. Attached for your review is
17 an Opana ER wholesaler promotion to be
18 offered immediately upon BPC approval.
19 The offering includes a 20 percent
20 reduction from WAC -- what's that, ma'am?

21 A. WAC, wholesaler price, list
22 price.

23 Q. Wholesaler price?

24 A. List price.

1 Q. -- to be extended to the
2 wholesaler segment as an off invoice
3 discount.

4 What's that mean?

5 A. They get 20 percent off the
6 list price.

7 Q. And it looks like Ms.
8 Magrone is looking for a prompt response
9 so that this can be approved by the
10 pricing committee and get out to the
11 wholesalers, right?

12 MR. LIMBACHER: Object to
13 form.

14 THE WITNESS: Yes. She sent
15 this to the pricing committee.

16 BY MR. BUCHANAN:

17 Q. Is your boss on the pricing
18 committee?

19 A. Sal Grausso is listed, yes.

20 Q. And we see on the next page,
21 Background market overview. On 9/1/17,
22 Endo will voluntarily withdraw Opana ER
23 from the market at the request of FDA.

24 Correct?

1 A. Correct.

2 Q. You have that understanding,
3 ma'am, that the FDA had said the benefits
4 no longer outweigh the risks? Are you
5 aware of that?

6 MR. LIMBACHER: Object to
7 form. Asked and answered.

8 THE WITNESS: That's what
9 the FDA said.

10 BY MR. BUCHANAN:

11 Q. Issued a release in June of
12 2017 to that effect, correct?

13 MR. LIMBACHER: Object to
14 form. Asked and answered.

15 THE WITNESS: The FDA did,
16 yes.

17 BY MR. BUCHANAN:

18 Q. Had an advisory committee,
19 what, back in March of 2017, correct?

20 MR. LIMBACHER: Object to
21 form. Foundation.

22 THE WITNESS: I can't speak
23 to that advisory committee. I
24 don't know what that is.

1 BY MR. BUCHANAN:

2 Q. So here we are two weeks
3 before the drug gets pulled, and the
4 background market overview reports to
5 your customer segment that you're going
6 to withdraw Opana ER at the request of
7 the FDA on September 1, 2017, right?

8 A. That's what it states, yes.

9 Q. Okay. And then your
10 specific request, In support of the
11 above, this proposal requests approval
12 for the following wholesaler offering.

13 And, again, this is a
14 request for pricing approval to the brand
15 committee, correct?

16 MR. LIMBACHER: Object to
17 form.

18 THE WITNESS: It is.

19 BY MR. BUCHANAN:

20 Q. Discount, 20 percent
21 discount from WAC given as an off invoice
22 discount, correct?

23 A. Uh-huh.

24 Q. Applied to all wholesalers,

1 right?

2 A. If they participated.

3 Q. Okay. And you're offering a
4 one-time buy, right?

5 A. It's a one-time order. It's
6 a transition order.

7 Q. And did you get any
8 excessive orders at the end of August
9 2017 for Opana ER?

10 MR. LIMBACHER: Object to
11 form.

12 THE WITNESS: I don't
13 recall. I'm sure we did. It's
14 probably in this listed.

15 But, again --

16 BY MR. BUCHANAN:

17 Q. You would agree, ma'am, that
18 you didn't cease any orders, right?

19 MR. LIMBACHER: Object to
20 form.

21 THE WITNESS: We did not,
22 because this was a transition to
23 ensure our patients were properly
24 transitioned by their physician to

1 another therapy, because they
2 could no longer take Opana.

3 BY MR. BUCHANAN:

4 Q. Was that \$100 million worth
5 of Opana that you sold, "you" being Endo,
6 after the FDA advisory committee in March
7 of 2017?

8 A. I don't--

9 MR. LIMBACHER: Object to
10 form and foundation.

11 THE WITNESS: I have no
12 idea. I can't confirm. I don't
13 know what the sales were.

14 BY MR. BUCHANAN:

15 Q. It sounds like you had
16 visibility, within your ordering system,
17 to the net revenue on a particular sale,
18 as well as the gross revenue, right?

19 MR. LIMBACHER: Object to
20 form.

21 THE WITNESS: It's on the
22 order. But sales, that's not my
23 responsibility to know that.

24 MR. BUCHANAN: 651.

1 out of SAP.

2 Q. END contribution, MGN by
3 MPH.

4 Do you see that?

5 A. I do.

6 Q. Excluding Interco.

7 Do you see that?

8 A. I do.

9 Q. The product hierarchy lists
10 the product number and the product name.

11 Do you see that?

12 A. Uh-huh.

13 Q. You see what sheet we're on,
14 Opana ER.

15 Is that the sheet you're on?

16 A. It just says, Opana.

17 Q. If you go to the second
18 page.

19 You manufactured multiple
20 controlled substances, correct?

21 MR. LIMBACHER: Object to
22 form.

23 THE WITNESS: We do.

24 BY MR. BUCHANAN:

1 Q. Okay. If we go to that page
2 that says Opana ER, you see revenue? Do
3 you see the top line, revenue?

4 A. Yes.

5 Q. And then there's Period 1,
6 2, 3, all the way up to 12, and then a
7 year to date at the end.

8 Do you see that, ma'am?

9 A. I do.

10 Q. Do you recognize period 1 as
11 the first month of the year and period 2
12 the second month?

13 A. Yes.

14 Q. You're familiar with reports
15 that look like this, right?

16 A. This is a financial report,
17 I don't -- this is not something I see or
18 generate.

19 Q. Okay. That FDA advisory
20 committee to consider Opana ER that was
21 in March; is that right?

22 A. I don't know.

23 Q. We see revenue of Opana ER
24 from March was about \$26 million, right?

1 MR. LIMBACHER: Object to
2 form. Foundation.

3 THE WITNESS: It says \$26
4 million.

5 BY MR. BUCHANAN:

6 Q. From April was \$17.9
7 million, right?

8 MR. LIMBACHER: Same
9 objection.

10 THE WITNESS: That's what it
11 states.

12 BY MR. BUCHANAN:

13 Q. For May is \$22.8 million,
14 right?

15 MR. LIMBACHER: Form and
16 foundation.

17 THE WITNESS: That's what it
18 states.

19 BY MR. BUCHANAN:

20 Q. From June is \$21.8 million,
21 right?

22 MR. LIMBACHER: Form and
23 foundation.

24 THE WITNESS: Uh-huh.

1 BY MR. BUCHANAN:

2 Q. From July is \$12.2 million,
3 right?

4 A. Yes.

5 MR. LIMBACHER: Objection.
6 Form and foundation.

7 BY MR. BUCHANAN:

8 Q. Period 8, it looks like you
9 sold more in August than you did in July,
10 right?

11 MR. LIMBACHER: Objection.
12 Form and foundation.

13 THE WITNESS: That's what
14 this report states.

15 BY MR. BUCHANAN:

16 Q. As you're going out of
17 business with Opana ER?

18 A. I can't speak to this
19 report. I don't know what's generated
20 behind this report. This is a financial
21 report. I'm not in finance. I can't
22 speak to it.

23 Q. Okay. It's over \$100
24 million in sales between March and the

1 time you withdrew it from the market.

2 Did you know that, ma'am?

3 A. No.

4 MR. LIMBACHER: Objection.

5 Form and foundation.

6 THE WITNESS: I did not.

7 Again, this is a financial
8 report, I'm not in finance.

9 BY MR. BUCHANAN:

10 Q. Did you know it was more
11 than \$50 million in sales -- or \$50
12 million in sales between June and August
13 before you took it off the market?

14 MR. LIMBACHER: Objection.

15 Form and foundation.

16 BY MR. BUCHANAN:

17 Q. When the FDA requested in
18 June that it be withdrawn?

19 A. I can't speak to the finance
20 of the company. I'm not in finance.

21 Q. I just wanted to -- while
22 we're on this sheet, you see there's a
23 line item on this sheet for chargebacks?

24 A. I do.

1 Q. Do you see each period is
2 reporting chargebacks?

3 A. Yes.

4 Q. And the sheet that we're
5 looking at is for Opana ER, correct?

6 A. Yes.

7 Q. All right. Do you see for
8 August, Period 8 -- actually, if you look
9 about halfway down on the left, there is
10 a line item for sales promotions.

11 Do you see that?

12 A. I do.

13 Q. What sales promotion amount
14 was credited for January?

15 A. Nothing.

16 Q. What about was credited for
17 February?

18 MR. LIMBACHER: Objection.

19 Form and foundation. Objection to
20 all these questions with regard to
21 a document that she's told you
22 repeatedly she knows nothing
23 about --

24 BY MR. BUCHANAN:

1 Q. What amount --

2 MR. LIMBACHER: -- and has
3 never seen before.

4 MR. BUCHANAN: Move to
5 strike.

6 MR. LIMBACHER: You're going
7 to have an opportunity to ask
8 these questions of people who
9 might actually know something
10 about it.

11 BY MR. BUCHANAN:

12 Q. What amount for sales
13 promotions, ma'am, was credited for
14 Period 3, March of 2017?

15 MR. LIMBACHER: Same
16 objection. Form and foundation.

17 THE WITNESS: Zero.

18 BY MR. BUCHANAN:

19 Q. What amount was credited for
20 April?

21 MR. LIMBACHER: Same
22 objection. Form and foundation.

23 THE WITNESS: Zero.

24 BY MR. BUCHANAN:

1 Q. What amount was credited for
2 May?

3 MR. LIMBACHER: Same
4 objection. Form and foundation.

5 THE WITNESS: Zero.

6 BY MR. BUCHANAN:

7 Q. How about June?

8 MR. LIMBACHER: Same
9 objection. Form and foundation.

10 THE WITNESS: Zero.

11 BY MR. BUCHANAN:

12 Q. July?

13 MR. LIMBACHER: Same
14 objection. Form and foundation.

15 THE WITNESS: Zero.

16 BY MR. BUCHANAN:

17 Q. And when you were blowing it
18 out in August, what amount was credited
19 for sales promotions?

20 MR. LIMBACHER: Same
21 objection. Form and foundation.
22 And argumentative.

23 THE WITNESS: Blowing it out
24 is not my word. We had to

1 transition orders to our
2 wholesalers to ensure our patients
3 had enough inventory to get them
4 through the transition period as
5 they worked with their healthcare
6 provider on a new therapy.

7 BY MR. BUCHANAN:

8 Q. What promotional amount did
9 you book on this sheet -- or the company
10 book on this sheet for promotional
11 activity of Opana in the days leading up
12 to its withdrawal from the market?

13 MR. LIMBACHER: Objection.
14 Form and foundation.

15 THE WITNESS: I'm not --

16 BY MR. BUCHANAN:

17 Q. Just read the number, ma'am.

18 A. It's 20 percent. But that's
19 not my decision. That's not my decision.

20 MR. BUCHANAN: Let's take a
21 short break.

22 VIDEO TECHNICIAN: We're
23 going off the record. The time is
24 4:45.

1 Did I read that correctly?

2 A. Uh-huh.

3 Q. Okay. And let's skip up to
4 the very top of the page, where you
5 appear to be responding to the team,
6 including Linda and Peter, on --

7 A. Yes.

8 Q. -- November 29th.

9 You say, I know that
10 Cardinal has really increased their SOM
11 program, so I'm wondering if they are
12 cutting them off because they are
13 ordering too much.

14 A. Right.

15 Q. Did I read that correctly?

16 A. You did.

17 Q. Now, on what were you basing
18 that observation?

19 A. Again, it's just --

20 MR. LIMBACHER: Object to
21 form.

22 THE WITNESS: -- like I
23 stated, that's just my opinion. I
24 guess, if I recall, just

1 conversations maybe with Cardinal
2 back at that time. I don't really
3 remember.

4 BY MR. LENISKI:

5 Q. Well, you make the
6 statement, it's affirmative, Cardinal has
7 really increased their SOM program,
8 right?

9 A. I state that, yes. That's
10 what it says.

11 Q. Do you know -- you remember
12 having discussions with Cardinal on that
13 point?

14 A. I don't remember having
15 discussions with Cardinal directly. It's
16 back in 2012. I don't remember.

17 Q. Do you recall whether -- or
18 why Cardinal had increased their SOM
19 program at this time of November 2012?

20 MR. TULLY: Object to the
21 form.

22 THE WITNESS: Probably
23 because of the opioid crisis,
24 everybody was redoing their SOM

1 programs or making enhancements
2 and making changes.

3 BY MR. LENISKI:

4 Q. Were you aware of other
5 wholesalers who were increasing their SOM
6 program at the same time, late 2012?

7 A. No. All I know is our
8 wholesalers have an SOM program. I don't
9 know the details behind the programs.

10 Q. Why did Peter believe you
11 might have information about this issue
12 that's affecting Florida and pharmacies
13 not being able to get Opana ER?

14 MR. LIMBACHER: Object to
15 form.

16 BY MR. LENISKI:

17 Q. Do you have any idea?

18 A. Because UPS is our 3PL,
19 third-party logistics company, and we
20 partner with them on anything to do with
21 Endo's business. So it's not unusual for
22 him to reach out.

23 Q. Did you represent to Peter
24 that you had understanding about your

1 wholesalers' SOM programs in addition to
2 Endo's SOM program?

3 A. I don't recall. I mean,
4 just based on what my e-mail says, yes.

5 Q. Was that something you
6 tracked, was what your wholesalers were
7 doing with their SOM programs?

8 A. No. We just know that our
9 wholesalers have SOM programs. I don't
10 know the details behind the SOM programs
11 at our wholesalers.

12 Q. And then you go on to say,
13 in the same e-mail, All we can state is
14 that we have plenty of inventory and it's
15 not on backorder and our wholesalers have
16 it in stock.

17 Correct?

18 A. That's correct. At this
19 time, obviously, we were off our supply
20 issue and our wholesalers have inventory.
21 If the patients can't get it, that's not
22 my -- all we can tell them is that it's
23 not on backorder.

24 Q. Other than individuals in

1 this e-mail, did you discuss your
2 statement here that Cardinal may have
3 stopped shipping to Florida pharmacies
4 due to concerns about over-ordering with
5 anyone else at Endo?

6 A. Not that I recall.

7 Q. Never elevated that
8 observation to anyone else, to your
9 knowledge?

10 A. Not that I recall.

11 Q. Do you believe you're
12 obligated to do that?

13 MR. LIMBACHER: Object to
14 form.

15 THE WITNESS: No.

16 MR. LENISKI: Ms. Walker,
17 pending any questions from
18 counsel, I think I'm finished.
19 Thank you very much.

20 MR. LIMBACHER: Thank you.

21 VIDEO TECHNICIAN: Going off
22 record. The time is 5:42.

23 - - -

24 (Whereupon, a brief recess

1 was taken.)

2 - - -

3 VIDEO TECHNICIAN: We're
4 going back on the record. The
5 beginning of Media File Number 10.
6 The time is 5:46.

7 - - -

8 EXAMINATION

9 - - -

10 BY MR. LIMBACHER:

11 Q. Good evening, Mrs. Walker.
12 I know it's been a very long day, and I'm
13 sure you're very tired and are looking
14 forward to getting home. But this is my
15 opportunity to ask you a few questions
16 and to kind of present you to the jury so
17 they have an opportunity to get to know
18 you just a little bit.

19 Can you tell us, and I know
20 some of these things we've covered
21 earlier, can you tell us, are you
22 currently employed at Endo?

23 A. Yes, I am.

24 Q. And when did you begin

1 working for Endo?

2 A. November 2nd, 1998.

3 Q. And can you tell us your
4 current job title?

5 A. I'm the director of
6 distribution and customer service for
7 Endo.

8 Q. And before we get into your
9 job responsibilities and your history,
10 can you tell us, did you go to college?

11 A. I did.

12 Q. And where did you go?

13 A. Wilmington College.

14 Q. And when did you graduate?

15 A. May of 1995.

16 Q. What degree did you receive?

17 A. Bachelor's in business
18 management.

19 Q. And kind of walk us through,
20 very briefly, your work history after you
21 received your degree from Wilmington
22 College.

23 Where did you first work?

24 A. I actually started working

1 at DuPont in October of '89. So I got my
2 degree at night going to Wilmington
3 College.

4 Q. And when you first started
5 working at DuPont, what did you do?

6 A. I delivered mail. I pushed
7 a mail cart and delivered mail.

8 Q. And about how long were you
9 doing that at DuPont?

10 A. Probably about two years,
11 two and-a-half, give or take.

12 Q. And then at some point in
13 time, did you start to work in the
14 customer service department at DuPont?

15 A. Yes. Then I moved over to
16 the customer service department. It was
17 DuPont Merck at the time.

18 Q. And when did you join Endo?
19 I think you said 1998; is that right?

20 A. Yes. November of '98.

21 Q. And in what department were
22 you first employed at Endo?

23 A. I was -- I've always been in
24 the customer service and distribution

1 department at Endo.

2 Q. And have you received any
3 promotions over the 20 years that you've
4 been working for Endo?

5 A. Yes, a few.

6 Q. And tell us, what are the
7 different roles and job titles that
8 you've held at Endo?

9 A. I came in as a contract
10 analyst. Then I was promoted to
11 supervisor of distribution, manager of --
12 I forget the exact title. Manager within
13 customer service, then associate director
14 and then director.

15 Q. And when did you become
16 associate director of customer service at
17 Endo, if you remember?

18 A. 2003, 2004, something like
19 that.

20 Q. And when did you become the
21 director of customer service?

22 A. 2015.

23 Q. And what have been your
24 basic job responsibilities over time, as

1 both associate director and director of
2 customer service in distribution?

3 A. One of the main functions is
4 to manage the UPS relationship. And then
5 anything around customer service and
6 distribution for the branded products.

7 Q. And before we get into
8 details, has Endo's distribution team had
9 a monitoring program in place to track
10 suspicious orders of branded opioids?

11 A. Yes, we did.

12 Q. And since you've been at the
13 company, has Endo's distribution team
14 always had safeguards in place to prevent
15 diversion of Endo's opioids?

16 MR. BUCHANAN: Objection to
17 form.

18 THE WITNESS: Yes, we have.

19 BY MR. LIMBACHER:

20 Q. Now, let's walk through how
21 an order for branded opioids comes in to
22 the company.

23 First, who are Endo's
24 customers for their branded opioids?

1 A. As it relates to opioids,
2 the customers are our wholesalers.

3 Q. And are there any
4 particularly large wholesaler customers
5 that Endo sells its branded opioids to?

6 A. We have three large
7 wholesale customers; AmerisourceBergen,
8 Cardinal and McKesson.

9 Q. And are the majority of the
10 sales of branded opioids, as you
11 understand it for Endo, sold to those
12 three large national wholesalers?

13 A. Yes. I believe they make up
14 about 90 percent of the business.

15 Q. Do pharmacies ever place an
16 order with Endo for branded opioids?

17 A. No.

18 Q. What about a doctor's
19 office, do they ever order opioids
20 directly from Endo?

21 A. No.

22 Q. And what about a pain
23 clinic, do they ever order branded
24 opioids directly from Endo?

1 A. No.

2 Q. What about manufacturing of
3 the branded opioids at Endo sales, has
4 Endo itself manufactured those branded
5 opioids?

6 A. We've always had contract
7 manufacturers for Endo.

8 Q. And once the branded opioids
9 are manufactured by the contract
10 manufacturers, where are they stored?

11 A. Once they're made, they are
12 shipped to UPS Supply Chain Solutions in
13 Memphis, Tennessee. And that's where the
14 distribution is done, and that's where
15 they are stored.

16 Q. And how long has that been
17 the case?

18 A. We've been in Memphis since
19 April of 2000.

20 Q. And is the warehouse that's
21 in Tennessee, is that guarded?

22 A. Yes.

23 Q. And how are the branded
24 opioids then distributed from Endo to the

1 A. Our orders went through our
2 SOM program and again at UPS. And no.

3 Q. Stay with my question,
4 ma'am.

5 In 2010, were vice
6 presidents and senior vice presidents
7 those that were authorized to release
8 orders and excessive orders?

9 A. No.

10 Q. To the best of your
11 knowledge, ma'am, did a vice president or
12 senior vice president ever release an
13 excessive order?

14 MR. LIMBACHER: Object to
15 form.

16 THE WITNESS: Not to my
17 knowledge.

18 BY MR. BUCHANAN:

19 Q. So if these were the
20 representations of the company to law
21 enforcement and the DEA in 2006, would it
22 be fair to say it wasn't done that way?

23 MR. LIMBACHER: Object to
24 form.

1 THE WITNESS: I don't know
2 what this document is. I've never
3 seen this document until today.
4 So I don't know.

5 BY MR. BUCHANAN:

6 Q. Looking at David Kerr, he
7 was, in fact, the vice president -- a
8 vice president with Endo Pharmaceutical,
9 Inc., correct?

10 A. That's what it states on his
11 e-mail.

12 Q. I am meeting with Philly DEA
13 tomorrow with Nick. I am digging around
14 for that one-page graphic that is the
15 risk MAP showing the control flow
16 provided by Jill Connell.

17 Jill was your boss?

18 A. She was.

19 Q. And, Do you have access to
20 that copy and can you send today?

21 There's a reply from Heather
22 Mullen.

23 Who is Heather?

24 A. I don't know.

1 Q. Okay. Yes, here it is.
2 Distribution chart, along with all the
3 docs that I put together that you might
4 use, in addition to a blue folder for law
5 enforcement meetings.

6 Do you see that?

7 A. Yes.

8 Q. Let me know if you need
9 anything else and let me know how it
10 goes.

11 Do you see that, ma'am?

12 A. I do.

13 Q. You were asked some
14 questions about Exhibit-15, which you
15 discussed in examination with me earlier
16 today.

17 Do you recall discussing
18 this e-mail thread, Exhibit-15, that
19 counsel just asked you some follow-up
20 questions on?

21 A. Exhibit-15?

22 Q. Yes.

23 A. Yes.

24 Q. Okay. I think you said that

1 there was a reason why these orders had
2 to be cut in size or downsized.

3 Do you recall that?

4 A. Correct. We had a supply
5 issue at this time on Opana.

6 Q. We spent some time going
7 through a SAP report, a SOM audit trail
8 report.

9 Do you recall doing that
10 with me?

11 A. I do.

12 Q. Does that system, in fact,
13 track whether orders were cut in size?

14 A. I would have to look at it
15 to confirm that. But I would assume --

16 Q. The order that you
17 received --

18 A. -- yes.

19 Q. Does it keep track of
20 whether the company, notwithstanding the
21 initial order that was provided by the
22 customer, cut the order in size?

23 A. Yes, it keeps the history of
24 the order.

1 Q. So there's, in fact, an
2 audit trail tracking the circumstances
3 when the company cut order size?

4 A. Within the order there is,
5 yes.

6 Q. And are the reasons for that
7 cut documented in the order system?

8 A. They should --

9 MR. LIMBACHER: Object to
10 form.

11 THE WITNESS: They should
12 be.

13 BY MR. BUCHANAN:

14 Q. To your knowledge, they are?

15 A. They should be, yes.

16 Q. Okay. You were shown a
17 document, 35, Exhibit-35, UPS audit.

18 Do you recall that?

19 A. Yes.

20 Q. That wasn't the first time
21 that you all audited UPS, correct?

22 A. No. UPS has been audited
23 many times over the years.

24 Q. Okay.

1 MR. BUCHANAN: Could I have
2 578, please?

3 - - -

4 (Whereupon, EndoWalker
5 Exhibit-36,
6 PAR_OPIOID_MDL_0000404285, was
7 marked for identification.)

8 - - -

9 MR. SIEGEL: 578 being
10 marked as Exhibit-36.

11 MR. BUCHANAN: Pass it over
12 to counsel, please, and one for
13 the witness.

14 BY MR. BUCHANAN:

15 Q. I'm showing you what's been
16 marked as Exhibit-36 to the deposition.
17 A summary of teleconference with UPS
18 regarding SOMS, February 13, 2013.

19 Do you see that, ma'am?

20 A. I do.

21 Q. And you're listed as an
22 attendee at this meeting, right?

23 A. Uh-huh.

24 Q. Do you have it before you

1 now? I'm sorry, I can't see over the
2 screen.

3 A. I do, I have it.

4 Q. Thank you.

5 I'd like to direct your
6 attention -- you see this list of
7 questions reflected here?

8 A. I see them, yes.

9 Q. And then you see answers
10 following the questions in a different
11 color?

12 A. Yes.

13 Q. Let's scroll down here.
14 Start with 8.

15 Have you ever reported a
16 suspicious order to any regulatory agency
17 for an Endo/Qualitest product?

18 Do you see that question to
19 UPS?

20 A. I do.

21 Q. And what was the answer,
22 ma'am?

23 A. No.

24 Q. Do you ever visit customers

1 in person who are deemed suspicious?

2 Do you see that question?

3 A. I do.

4 Q. It says, Not currently.

5 Right?

6 A. That's what it says.

7 Q. It says, Clients may have
8 their sales reps visit customers.

9 Do you see that?

10 A. Yes, I see it.

11 Q. Vis-à-vis the relationship
12 with UPS, you were the client, right?

13 MR. LIMBACHER: Object to
14 form.

15 THE WITNESS: Yes. Endo was
16 the client at this time.

17 BY MR. BUCHANAN:

18 Q. Do I understand your
19 testimony correctly, ma'am, that to the
20 best of your knowledge, as of 2013, Endo
21 was not visiting any of its customers
22 that it deemed suspicious, correct?

23 MR. LIMBACHER: Object to
24 form. Foundation. Misstates her

1 testimony.

2 THE WITNESS: I believe
3 Qualitest was doing customer site
4 visits.

5 BY MR. BUCHANAN:

6 Q. As of February 13, 2013,
7 ma'am?

8 A. I don't know the exact date
9 that Qualitest started doing customer
10 visits, but I know they did customer
11 visits.

12 Q. At a point in time they did,
13 correct?

14 A. Correct. I don't know the
15 date when that started.

16 Q. You know they revamped their
17 SOM system, too, after the DEA came and
18 knocked on their door in 2013, right?

19 MR. LIMBACHER: Object to
20 form.

21 THE WITNESS: I can't speak
22 to Qualitest's SOM program.

23 BY MR. BUCHANAN:

24 Q. Then let's focus on Endo's

1 SOM program.

2 At this point in time, in
3 February of 2013, are you aware of any
4 Endo employees going and visiting
5 customers that it deemed suspicious?

6 MR. LIMBACHER: Object to
7 form. Asked and answered.

8 THE WITNESS: Not that I
9 recall.

10 BY MR. BUCHANAN:

11 Q. Any customers of Endo
12 customers that it seemed suspicious?

13 MR. LIMBACHER: Object to
14 form. Asked and answered.

15 THE WITNESS: Not that I
16 recall.

17 BY MR. BUCHANAN:

18 Q. Okay. There's also a
19 question about how do you know your
20 customer's customer.

21 Do you see that?

22 A. Question 10 I'm assuming
23 you're referring to?

24 Q. Yes.

1 A. Uh-huh.

2 Q. It was a question that was
3 being put by Endo to UPS, right?

4 A. Yes.

5 Q. Okay. And as of this point
6 in time, they didn't have that
7 functionality where they were visiting
8 customers' customers or knowing
9 customers' customers, right?

10 MR. LIMBACHER: Object to
11 form.

12 THE WITNESS: That's what it
13 states.

14 BY MR. BUCHANAN:

15 Q. And you didn't either,
16 right?

17 A. Endo did not provide -- do
18 not do site visits. But I believe
19 Qualitest started to. Again, I don't
20 know the exact date.

21 Q. Let's just talk about Endo.
22 You do have knowledge about
23 Endo, correct?

24 A. I do.

1 Q. And to the best of your
2 knowledge, Endo never conducted site
3 visits of its customers or its customers'
4 customers, correct?

5 MR. LIMBACHER: Object to
6 form. Asked and answered.

7 THE WITNESS: Endo did not,
8 but our generics division,
9 Qualitest, did.

10 BY MR. BUCHANAN:

11 Q. Do you know when that
12 started, ma'am?

13 A. I do not know the exact date
14 at this time.

15 Q. And you certainly couldn't
16 sit there and say they were doing it
17 prior to this teleconference, right?

18 MR. LIMBACHER: Object to
19 form.

20 THE WITNESS: No, I can't
21 confirm that.

22 BY MR. BUCHANAN:

23 Q. Okay. Who would be the
24 person to ask on that?

1 A. When Qualitest did their
2 site visits?

3 Q. Uh-huh.

4 A. Somebody from Qualitest.

5 Q. Tracey Hernandez?

6 A. That would be a person to
7 start with.

8 Q. How about, Do you utilize
9 chargeback data?

10 That was a question from you
11 to UPS, right?

12 A. That's correct.

13 Q. Why were you asking UPS
14 whether they utilized chargeback data,
15 ma'am?

16 A. Probably just trying to get
17 an understanding of their SOM program.

18 Q. Did you, in fact, have an
19 understanding, at that point in time,
20 that the DEA wanted manufacturers to use
21 chargeback data?

22 A. I can't recall.

23 MR. LIMBACHER: Object to
24 form.

1 BY MR. BUCHANAN:

2 Q. Okay. And they said, what?
3 They weren't doing that at that point in
4 time, right?

5 MR. LIMBACHER: Object to
6 form.

7 THE WITNESS: That's what it
8 states.

9 BY MR. BUCHANAN:

10 Q. Okay. Number 12, What type
11 of trending do you do, if any?

12 Do you see that question
13 from Endo to UPS?

14 A. Uh-huh.

15 Q. And why were you asking
16 about trending at that point in time?

17 A. Probably just trying to get
18 an understanding of their SOM program.

19 Q. Did you know that the DEA
20 was interested in manufacturers doing
21 trending analyses as of this point in
22 time?

23 A. Not that I recall.

24 MR. LIMBACHER: Object to

1 form.

2 THE WITNESS: Not that I
3 recall.

4 BY MR. BUCHANAN:

5 Q. As of this point in time, we
6 can agree that Endo wasn't doing
7 trending, correct?

8 MR. LIMBACHER: Object to
9 form. Misstates the evidence.

10 THE WITNESS: Not that I
11 recall.

12 BY MR. BUCHANAN:

13 Q. Okay. Do you modify your
14 program based on current diversion
15 trends?

16 Do you see that item?

17 A. I do.

18 Q. And why were you asking UPS,
19 at this point in time, that question?

20 A. Probably just trying to get
21 information about the SOM program.

22 Q. In fact, you learned from
23 the DEA that they were interested in
24 manufacturers being sensitive to current

1 diversion trends and modifying their
2 effective controls; isn't that right,
3 ma'am?

4 A. I can't speak to that, no.

5 Q. Okay.

6 MR. BUCHANAN: Can I please
7 have 736?

8 How am I doing on time?

9 VIDEO TECHNICIAN: You have
10 23 minutes.

11 MR. BUCHANAN: Thank you.

12 Do you have it already over
13 there or you're waiting for it
14 from us?

15 MR. LIMBACHER: What are we
16 talking about?

17 MR. BUCHANAN: If we haven't
18 passed you a new exhibit, you
19 don't have it yet.

20 MR. LIMBACHER: You have not
21 just yet.

22 MR. BUCHANAN: Okay.

23 Can we agree, with all
24 counsel, to just do it on the

1 screen and move this along? We
2 can certainly supplement it for
3 the record and identify it by
4 Bates number.

5 MR. LIMBACHER: Let's give
6 him just a minute or two more to
7 see.

8 MR. BUCHANAN: If not, we'll
9 just make a copy outside. It's
10 fine.

11 MR. LIMBACHER: Do you have
12 a lot of questions?

13 MR. BUCHANAN: I don't.

14 THE WITNESS: I'm okay with
15 it on the screen, if you're okay
16 with it.

17 MR. LIMBACHER: Let's just
18 see if he can find it.

19 MR. BUCHANAN: Thank you.
20 Sorry to put you on the spot like
21 that, Scott.

22 MR. SIEGEL: 736, being
23 marked as Exhibit-37.

24 - - -

1 (Whereupon, EndoWalker
2 Exhibit-37, No Bates, 7/16/13
3 E-mail from Laurel McDermott to
4 Sanjay Patel; Subject: SOMS
5 Customer Letter & Sales Rep
6 Talking Points, was marked for
7 identification.)

8 - - -

9 BY MR. BUCHANAN:

10 Q. I'm passing over what we
11 marked as Exhibit-736 -- I'm sorry, 37.
12 Thank you. It's been a day, my
13 apologies.

14 MR. LIMBACHER: It's been a
15 long day.

16 BY MR. BUCHANAN:

17 Q. It's an e-mail from Ms.
18 McDermott to yourself and two other
19 individuals.

20 Do you see this?

21 A. Yes.

22 Q. Sanjay Patel, Lisa Walker
23 and Kevin O'Brien as recipients?

24 A. I see that.

1 Q. Who is Laurel McDermott?

2 A. She was an admin at the
3 time.

4 Q. Sanjay Patel?

5 A. I don't remember his title.

6 Q. Which function?

7 A. I believe supply chain,
8 maybe. I can't confirm.

9 Q. Kevin O'Brien?

10 A. He was my boss at the time.

11 Q. So to three people in supply
12 chain?

13 A. I was not part of supply
14 chain.

15 Q. At this point in time?

16 A. No, I was not.

17 Q. What function would you
18 characterize your --

19 A. I mean, I was in customer
20 service and distribution, but we were not
21 part of supply chain.

22 Q. Understood, okay.

23 So yourself and your boss,
24 Mr. O'Brien. The subject is, SOMS

1 customer letter and sales rep talking
2 points.

3 Do you see that?

4 A. I do.

5 Q. It says, Hi, Brian, you may
6 recall from various discussions that on
7 March 6, 2013, DEA notified Endo at a
8 meeting that took place in Washington the
9 need to bolster the suspicious order
10 monitoring program.

11 Do you see that?

12 A. Yes.

13 Q. They presented over 200
14 slides of data showing Endo/Qualitest
15 product sales specifically for those
16 distributors and pharmacies for which
17 they considered outliers and potential
18 diversion.

19 Did I read that correctly?

20 A. Uh-huh.

21 Q. DEA has asked Endo to
22 improve -- do you see that, ma'am?

23 A. I do.

24 Q. -- initial order evaluation